

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81934 of 2024

Arising Out of PS. Case No.-831 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Abhishek Kumar, Son of Upendera Sah, Resident of village- Muraul, P.S.-
Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, Wife of Abhishek Kumar, D/O Shiv Shankar Sah Resident of Muraul P.S.- Maniyari, Dist.- Muzaffarpur. Presently residing at village- Karua, P.S.- Chakmehsi, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshari Kumar, Sr. Advocate Mr. Ravi Shankar Pathak, Advocate
For the State	:	Mr. Anil Prasad Singh, APP
For the O.P. No. 2	:	Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned senior counsel for the petitioner,

learned APP for the State and learned counsel for the opposite

party no.2.

2. In the present case, the petitioner seeks bail in connection with Complaint Case No. 831/2023 (Trial No. 2547/2024), registered for the alleged offences under Sections 498(A) of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. It is a case of misuse of privilege of bail. Earlier, the petitioner was granted anticipatory bail by the court of learned Sessions Judge, Samastipur. However, for misuse of



privilege of bail, the bail bond of the petitioner was cancelled and he was taken into custody.

4. The learned senior counsel appearing on behalf of the petitioner submits that the petitioner undertakes not to misuse the privilege of bail in future. The learned senior counsel further submits that the petitioner is in custody since 04.09.2024 and has been sufficiently penalized.

5. The learned APP as well as learned counsel appearing on behalf of the opposite party no.2 oppose the submission made on behalf of the petitioner. The learned counsel for the opposite party no. 2 submits that the petitioner has been threatening the complainant and refused to keep the complainant with honour and dignity. The behavior of the petitioner towards complainant is very cruel.

6. Having regard to the facts and circumstances and submissions made here-in-above and considering the grant of anticipatory bail earlier to the petitioner and further considering his period of custody due to misuse of privilege of bail, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur, in connection



with Complaint Case No. 831 of 2023 (Trial No. 2547 of 2024),
subject to the conditions mentioned in Section 437(3) of the
Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below.
- (iii) In case of absence on three consecutive
dates or in violation of the terms of the bail, the
bail bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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