

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86619 of 2023

Arising Out of PS. Case No.-69 Year-2021 Thana- MAHILA P.S. District- Saran

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Pramod Ray@ Pramod Kumar Rai Son of Late Kamal Ray Resident of
Village- Samsuddinpur, Police Station - Rivilganj, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Avnish Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Atul Chandra, APP
For the Informant	:	Mr. Rakesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-01-2024 Heard Mr. Avnish Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Atul Chandra,

learned APP for the State. The informant is represented by Mr.

Rakesh Kumar, learned counsel.

2. The petitioner seeks his bail, in connection with

Session Trial No. 615 of 2022, arising out of Mahila (Saran) P.S.

Case No. 69 of 2021, registered for the offences punishable

under Section 498(A)/307 of the Indian Penal Code and Section

¾ of the Dowry Prohibition Act.

3. Earlier, the petitioner had approached before this

Court in connection with the aforesaid case in Cr. Misc. No.

22947 of 2022, which was disposed of by this Court vide order

dated 27.07.2022, directing the petitioner and the opposite party



to appear in the proceeding, where the petitioner was directed to file a petition on affidavit, showing his willingness that he is ready to keep his wife with dignity and will not make any torture on her. Despite the specific observation of this Court, the petitioner neither filed any petition on affidavit nor brought the informant in her matrimonial home, resulting into cancellation of his bail bond and accordingly he surrendered on 11.10.2023.

4. It is submitted on behalf of the petitioner that from the record, it appears that the law is set into motion just within three months of the marriage and, moreover, the marriage was solemnized on 03.06.2021, and the written application, which is the basis of the FIR, was prepared on 28.07.2021, but the present FIR was instituted on 03.09.2021, after couple of months, without assigning any explanation of the same. He also submits that it is also evident that the informant was taken to hospital by the co-accused and thereafter, she was treated by the doctor. He next submits that now the relationship between the husband and the wife has become more worsen, leading to filing of Divorce Case No. 245 of 2022, which is also pending consideration before the Family Court, Saran at Chapra. He lastly submits that the now the petitioner is in custody since 11.10.2023.



5. On the other hand, learned APP for the State as well as informant vehemently opposes the bail application and submits that despite the specific allegation against the petitioner of cruelty and torture, leading to injury, constituting a case under Section 307 of the IPC, the petitioner has also defied the order of this Court and, as such, he does not deserve any consideration for bail. Learned counsel for the informant submitted at the bar that the wife is still ready to live with the petitioner, but it is the petitioner, who without any rhymes and reason, trying to oust the informant from her matrimonial house.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that a matrimonial case bearing Divorce Case No. 245 of 2022, has already been instituted by the petitioner and now the petitioner has remained in custody for about three months, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge 4th, Saran at Chapra in connection with Session Trial No. 615 of 2022, arising out of Mahila (Saran) P.S. Case No. 69 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which



are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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