

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3218 of 2024

Arising Out of PS. Case No.-151 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

=====

Uday Kumar son of Dwarika Yadav resident of village - Lanpur tola (Bangali Bigha), P.S. Bodh Gaya, Dist. Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran kumari Daughter of Ram Ratan yadav Resident of vill - Kaiya, p.s. - mufasil, dist. Gaya

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 20-09-2024 Heard learned counsel for the petitioner, learned APP
and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 151 of 2021 for the offence registered under sections 323, 498(A) and 504 of the Indian Penal Code lodged on 10.02.2021 by the informant, Kiran Kumari.

3. The complainant is the wife of the petitioner and according to the complaint, the marriage was solemnized on 08.04.2018 with the petitioner, she went to her in-laws house, remained peacefully for couple of months whereafter, she was abused due to colour of her skin as also the family members used to taunt her of being an illiterate. The lady went into



depression but wanted to continue with the relationship so she suffered. As subsequently, she did not saw any change in the attitude of her husband and by that time he also had illicit relationship with other girls and she could see him making video calls as also found him to be in an inappropriate/objectionable condition. When this was protested, she was assaulted.

4. The complaint further incorporates that twice the accused/husband tried to kill her firstly, by pouring oil and secondly, tried to press the neck.

5. On 16.09.2020, she was ousted from the house and was not allowed to even take her belongings/the ornaments/amount that was provided to her by her parents/family members. The lady complained that since her husband is with the Bihar Police, tried to lodge the F.I.R., could not materialize which resulted into this complaint.

6. It has been repeatedly argued by the learned counsel for the petitioner that he never performed marriage with the complainant and only to harass him as also his family members, the present complaint has been lodged.

7. Considering the specific statement made by the petitioner, this Court repeatedly inquired from the learned counsel for the complainant to show any proof/photo/mobile



picture to confirm whether the marriage between the complainant and the petitioner was solemnized or not. The matter was heard on 03.05.2024 and on 20.07.2024, the same was adjourned only for the said purpose.

8. Today, on query learned counsel for the informant submits that the lady has got no any proof for the present to show the marriage but still the marriage was performed. The same can be taken up at the time of trial but for the present, this Court deems it fit and proper that considering the submissions put forward by the learned counsel for the petitioner, it is a fit in which relief can be granted to the petitioner.

9. Accordingly, let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Miss Arpita, Judicial Magistrate 1st Class, Gaya/the court concerned in connection with aforesaid Complaint Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

perwez

U		T	
---	--	---	--

