

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5694 of 2025

Arising Out of PS. Case No.-146 Year-2021 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Ajay Kumar Son of Yodha Mahto Resident of Village- Rushtampur, P.S. Roh,
District- Nawada,

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Kumari D/O- Vaigraj Mahto Resident of Village- Manwa, P.S. Hisua,
District- Nawada,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 13-02-2025 Heard Mr. Man Mohan Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Ajit Kumar,

learned APP for the State.

2. Petitioner, seeks regular bail in connection with

Nawada Complaint Case No.146 of 2021 registered for offences

punishable under Sections 498(A), 323, 504, 379, 307 of the

Indian Penal Code.

3. As per the allegation made in the FIR, due to

strained relationship the Opposite Party No.2, who is the wife of

the petitioner, has been forced to file a complaint alleging

therein that the petitioner, along with his family members used

to demand Rs.5,00,000/- as dowry and due to non-fulfillment of



the said demand, she was subjected to assault and torture.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner was earlier released provisionally on pre-arrest bail by this Court vide order dated 20.04.2023 passed in Cr. Misc. No.33233 of 2022 but due to lack of proper attendance through advocate, the same was cancelled by the learned District Court on 01.08.2023. The Petitioner has clean antecedent and he is in custody since 23.08.2024. On these grounds, petitioner seeks to be released on regular bail.

5. Learned APP for the State vehemently opposed the prayer for grant of bail.

6. Considering the submissions made on behalf of the parties, as well as, the fact that the petitioner was earlier released provisionally on pre-arrest bail and he is in custody since 23.08.2024, having clean antecedent, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate, First Class, Nawada in connection with Complaint P.S. Case No.146 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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