

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52980 of 2023

Arising Out of PS. Case No.-1000 Year-2022 Thana- AGAMKUAN District- Patna

Tarun Kumar Son Of Prabhu Nandan Singh Resident Of Village - Shanti Niketan Colony, Near Hari Medical Bhuth Nath Road, P.S. - Agamkuan, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Krishna Jha, Advocate
For the Informant/s	:	Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 24-02-2025 Heard learned counsel for the petitioner; learned Counsel for the Informant, Mr. Indeshwari Prasad Mandal and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 498A, 323, 506, 308, 34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner was married with the informant twelve years ago. It is also alleged that the informant is subjected to cruelty in account of non fulfillment of dowry demand. It is further alleged that this petitioner in drunken state assaulted her and also tried to kill her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. It is also submitted that in fact the informant is residing in her parental house since 2021 and when she came to know that the petitioner has filed divorce case against her then she has also filed this present case against the petitioner. It is next submitted that the petitioner has filed a divorce case on 11.10.2022. when the informant/complainant came to know about this case, he has filed this case as a counter blast case of the petitioner. It is also apparent from the record that the petitioner was given provisional bail so that the matter may be settled between the parties and the case was sent for mediation but mediation could not be materialized and the case was not settled between the parties. It is further submitted that the petitioner is languishing in judicial custody since 21.05.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Admittedly, a divorce case has been filed and that the informant has also filed a maintenance case. In that view of the matter, this court is not inclined to grant any maintenance in this proceeding as the informant has already chosen the right forum for maintenance.



7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to confirm the provisional bail which was granted to the petitioner *vide* order dated 19.08.2023 with a condition that:

(i) The petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(Ashok Kumar Pandey, J)

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