

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80002 of 2024

Arising Out of PS. Case No.-1276 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

=====

Rajeev Rai @ Rajeev Kumar Rai @ Rajeev Kumar S/o- Vaidhnath Ray
Resident of vill-Rupauli PS- Patory District-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pramlata Kumar W/o- Rajeev Rai @ Rajeev Kumar Rai @ Rajeev Kumar
Resident of vill-Rupauli PS- Patory District-Samastipur, P/A- Bind Bochaha
PachiyariTol Ps-Mohiuddin Nagar Dist-Samastipur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Advocate
		Mr. Rani Shashi Bharti, Advocate
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 25-02-2025 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 498 of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The case of the prosecution based on the
complaint petition is that the petitioner was married to one
Premlata Kumari and that she was subjected to cruelty on
account of non-fulfillment of dowry.

4. Learned counsel for the petitioner submits that he
was granted bail subject to the condition that after releasing



from jail the petitioner would take steps for '*bidaigri*' of the complainant and keep his wife with full dignity and honour but when the petitioner went for '*bidaigri*' she did not follow him. It is further submitted that there was a '*panchayti*' between the parties but the complainant had flatly refused to go with the petitioner. The bail of the petitioner was cancelled by the trial Court on the ground that he has not abided the undertaking given by him. Thereafter, he filed regular bail before the D.J court which was also rejected on the ground that since he had not abided the undertaking which he has given. In this regard, learned counsel for the petitioner submits that not following the condition of bail cannot be a ground for cancellation of bail. Once bail granted cannot be cancelled on the ground that the conditions of bail has not been followed. Moreover, the petitioner is languishing in judicial custody since 19.09.2024.

5. During the course of hearing, a question was asked to the parties whether they are ready to continue the matrimonial relations which was answered in negative. It has also come to the notice of this court that the complainant has also filed a maintenance case.

6. Learned counsel for the Complainant has requested to pass order for maintenance but as the separate maintenance



case has already been filed, I do not find it proper to pass any order regarding maintenance.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Tr. No. 1730 of 2024 arising out of C.R. Case No. 1276 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur.

(Ashok Kumar Pandey, J)

Jagdish/-

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

