

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78243 of 2024

Arising Out of PS. Case No.-130 Year-2015 Thana- CHARPOKHARI District- Bhojpur

Gautam Sah @ Gautam Kumar S/O Late Munilal Sah @ Muni Sah Resident
of Village- Semraon, P.S- Charpokhari, Distt.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi W/O Gautam Sah @ Gautam Kumar Resident of Village-
Semraon, P.S- Charpokhari, Distt.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Narayan Mishra, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-01-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Charpokhari P.S. Case No. 130 of 2015, instituted for the
offences punishable under Sections 498A, 34 of the Indian
Penal Code and Sections 3, 4 of DP Act.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons have assaulted and
expelled his wife from her matrimonial house for non-
fulfillment of dowry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge has been framed in this case. The present case is misuse of privilege of bail earlier granted to the petitioner. Earlier the petitioner was granted bail on 28.05.2015 by the learned Court below. In the said order the learned Court below directed the petitioner to maintain the informant as per his undertaking and to provide Rs. 3000/- per months as interim relief to the informant. On 17.12.2020 bail bond of the petitioner was cancelled by the Court below because he failed to fulfill the conditions imposed upon him. The petitioner has surrendered in the Court below on 16.08.2024. There is misuse of privilege of bail for four years. Learned counsel for the petitioner further submits that petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

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

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner as also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Charpokhari P.S.
Case No. 130 of 2015, subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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