

**In the court of VIIIth Addl. Sessions Judge,
Bhojpur at Ara**

Bail Petition No. 4648/2023

(Arising out of Charpokhari P.S. Case No. 115/2023)
(U/s 494 and 498-A/34 of IPC)

Abhay Kumar, aged about 38 years,
S/o- Binod Paswan,
R/o- village- Balbandh
P.S. Charpokhari,
District - Bhojpur.**Petitioner.**

versus

State of Bihar.**O.P.**

For the Petitioner:- **Sri. Akshay Lal, Advocate.**
For the State:- **Smt. Binita Kumari Addl. P.P.**

ORDER

30.08.2023 Bail petition dated 11.08.2023 filed on behalf of the incarcerated accused Abhay Kumar, who is in custody since 03.08.2023 in connection with Charpokhari P.S. Case No. 115 of 2023, pressed today.

Copy of bail petition supplied to the ld. Addl. P.P. on the same date.

Pressing the bail petition ld. Counsel for the petitioner has submitted that no other bail petition of any nature is pending on behalf of the petitioner either in this Sessions Division or before the Hon'ble High Court. It has been submitted that the petitioner is innocent and has not committed any offence and has been falsely implicated in the present case. It has been submitted that no occurrence as alleged ever took place and all the allegations are false and concocted. It has been submitted that the informant was never tortured and no demand for dowry was ever made by the petitioner. It has been submitted that the marriage of the informant with the petitioner was solemnized in the year 2006 and since then the informant was neither tortured nor any cruelty was committed against her. It has been submitted that the informant was diagnosed with Breast Cancer and was treated at Varanashi,

Guargaon and other places and the petitioner bore all the expenditure of her treatment. Ld. counsel has sought to enlarge the petitioner on the privilege of bail.

On the other hand ld. Addl. P.P. has opposed the bail petition of the petitioner.

LCR and case diary have been received.

I have heard the submissions and gone through the materials available on the record. It transpires that no other bail petition is pending on behalf of the petitioner either in this Sessions Division or before the Hon'ble High Court. The petitioner does not have any criminal antecedent as revealed from para-50 of the case diary. It transpires that the instant F.I.R. has been lodged at the instance of informant Neha Devi alleging therein that she was married to the petitioner in the year 2006 and since last two years she is not feeling well and for the reason that she could not bear child, the petitioner treated her with cruelty and harassed her. As per the informant neither the petitioner nor her in-laws borne the cost of the treatment. Since last two years she is suffering from Breast Cancer but her husband and in-laws did not get her treated. It is also the case of the informant that on 07.04.2022 a bond was also executed but the petitioner did not comply with the terms of the bond and solemnized second marriage.

It appears that the informant has supported her case in her restatement at para-02 and the witnesses at para-08 and 09 have also supported the prosecution case. It further transpires that the independent witnesses at para-53 and 54 have stated that the petitioner not only assaulted the informant but also committed cruelty with her on the pretext of not begotting child and also on account of suffering from Breast Cancer. It further transpires from perusal of para-55 that the petitioner has solemnized second marriage with one Priyanka Kumari on 31.05.2023. It appears that the informant is suffering from Breast Cancer and all the cost of treatment is borne by her parents. The petitioner has neither treated the informant with dignity and honour nor supported her when she required it most on account of suffering from Breast Cancer. Instead the petitioner solemnized second marriage which is the most

cruel form of cruelty and the petitioner in order to escape liability has submitted that he is ready and willing to keep the informant with him which in my opinion has no meaning. The case is still at the stage of investigation and charge-sheet is not submitted.

Under the circumstances, I do not find any merit in the bail application of the petitioner as such, I am not inclined to enlarge the petitioner **Abhay Kumar** on the privilege of bail. Consequently, the bail petition dated 11.08.2023 filed on behalf of the petitioner Abhay Kumar stands **rejected**.

Let a copy of the order along with LCR be transmitted to the learned trial court forthwith.

Dictated

(Neeraj Kishore)
Addl. Sessions Judge-VIII.
Bhojpur at Ara
Dated: 30.08.2023