

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29698 of 2019

Arising Out of PS. Case No.-304 Year-2018 Thana- KOTWALI District- Munger

Amit Kumar aged about 22 years gender-male Son of Sri Sakal deo Sahani
Resident of Village-Chaukhandi, P.S.-Kotwali(Basudeopur), District Munger.

... .. Petitioner

Versus

1. The State of Bihar
2. Usha Kumari @ Usha Devi D/o Manoj Chaudhary Resident of Village -
Chaukhandi, P.S.- Kotwali (Basudeopur), District - Munger.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Pawan Kumar, Advocate
For the State	:	APP
For Opp. Party no. 2	:	None

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 31-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 498A/34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act registered in connection
with Kotwali (Basudeopur) P.S. Case No. 304 of 2018.

3. At the very outset, learned counsel for the petitioner
submits that the petitioner could not surrender before the learned
court below pursuant to the order dated 10.05.2019 granting
provisional bail to him.

4. It is submitted that the petitioner has been falsely
implicated and specific statement has been made in paragraph 11 of
the petition that marriage of the informant was never solemnized
with the petitioner nor was she taken to Delhi by him. It is therefore
submitted that the ingredients of the offence alleged under Section
498(A) of the IPC are not made out. The petitioner is an accused in
one prior case of different nature.



5. Despite valid service of notice upon opposite party no. 2, who personally received the same, none appears on her behalf when the matter is called.

6. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kotwali (Basudeopur) P.S. Case No. 304 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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