

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31184 of 2019**

Arising Out of PS. Case No.-733 Year-2015 Thana- GAYA COMPLAINT
CASE District- Gaya

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SURENDRA SAO @ SURENDRA SAW, aged about 27 years, Son of Mahabir
Sao Resident of Basanti Colony, Quarter No. D.E.-4, Raur Kela 12, Police
Station-Udit Nagar Plant side, District-Sundergarh, State-Orissa.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Niti Devi Daughter of Mahendra Prasad Resident of Village-Gurua, P.O
and Police Station-Gurua, District-Gaya.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Rajeev Kumar Singh Mr. Kumar Nikhil Mr. Kriti Singh, Advocate.
For the O.P. No. 2	:	Mr. Vijay Anand, Advocate.
For the State	:	APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 06-08-2019 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 of the Indian Penal Code and Section
4 of the Dowry Prohibition Act registered in connection with
Sherghati Complaint Case No. 733 of 2015.

3. It is submitted that the petitioner has been falsely
implicated and subsequent to the filing of the complaint, the
divorce petition in Civil Proceeding No. 272 of 2017 filed by the
petitioner has since been allowed in terms of the judgment dated
29.10.2018 passed by the Judge, Family Court, Rourkela, District-
Sundargarh (Annexure-2) and the marriage between the parties
has been dissolved by a decree of divorce on the plea of desertion
by the complainant. The petitioner claims clean antecedents.

4. Learned counsel for the complainant appears and



submits that an appeal has been filed against the aforesaid judgment and decree of divorce which has been obtained *ex-parte*.

5. 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 Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Complaint Case No. 733 of 2015, Trial No. 934 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following 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 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.

(iv) 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.

(Vikash Jain, J)

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