

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39054 of 2019

Arising Out of PS. Case No.-507 Year-2018 Thana- RAJIVNAGAR District- Patna

PRAMOD KUMAR OJHA S/o Late Rajendra Ojha R/o Village- Jai Prakash
Nagar, P.O.- Ashiana Nagar, P.S.- Rajeev Nagar, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kiran Ojha W/o Pramod Kumar Ojha, D/o Saryu Choubey C/o Ajay Choubey, R/o Village- Durgalayam Apartment, P.S.- Deputy Para, District- Ranchi (Jharkhand).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha
For the Opposite Party/s : Ms.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

7 20-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 379, 504, 506, 34 of the Indian Penal Code registered in connection with Rajeev Nagar P.S. Case No. 507/2018.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact the OP No. 2 is clearly a litigious lady having already filed two cases against the petitioner in the past as enumerated in para 3 of the petition This case has been filed by the informant about nine years after her marriage with the petitioner and as such the accusation of demand for dowry and torture by the petitioner is improbable. It is submitted that the OP No. 2 is a divorcee, who has received permanent alimony from her former husband and the present FIR has been lodged with a view to extract money from the petitioner. There is delay in lodging the FIR on 11.10.2018 for the alleged theft said to have occurred four days prior thereto. Except the aforesaid two prior cases filed by the informant, the petitioner claims clean antecedents.



4. Learned counsel for the OP No. 2 appears and has been heard.

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 CJM, Patna in connection with Rajeev Nagar P.S. Case No. 507/2018, 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 co-operate 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. 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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