

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55915 of 2018

Arising Out of PS. Case No.-148 Year-2016 Thana- BHAGWANPUR District- Vaishali

Jay Praksh Rai Son of Satyanarayan Rai, Resident of Village- Akbarpur, P.S.-
Bhagwanpur, District- Vaishali.

... .. Petitioner

Versus

1. The State Of Bihar
2. Sone Lal Rai, Son of Hira Lal Rai, Resident of village Chakfulla, P.S.
Hazipur Sadar, District Vaishali

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Dharendra Kumar, Advocate
For Opposite Party No. 2:	:	Mrs. Y. Madhavi, Advocate
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 08-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 363, 365, 120B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act registered in connection with Bhagwanpur P.S. Case No. 148 of 2016.

3. It is submitted that the petitioner has been falsely implicated only to put pressure upon him for marriage. It is stated that the informant's daughter is the maternal sister of the petitioner. Earlier she had filed Complaint Case No. 981 of 2013 under Section 498A of the Indian Penal Code in which the petitioner has been granted bail. She has also filed Maintenance Case No. 124 of 2017 under Section 125 of the Code of Criminal Procedure. So, there is contradiction between the versions stated by the informant's daughter in the petition dated 27.01.2017 before the learned court below and her statement recorded under Section 164 of the Cr. P.C. which clearly shows the falsity of the case instituted by the informant. There is inordinate delay in instituting the first information report on



01.09.2016 for the alleged occurrence of 11.08.2016. Except the aforesaid Complaint Case No. 981 of 2013, the petitioner claims clean antecedents.

4. Learned counsel for the opposite party 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 Additional Chief Judicial Magistrate-III, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 148 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. 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.

BT/-

(Vikash Jain, J)

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