

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73408 of 2018**

Arising Out of PS. Case No.-330 Year-2018 Thana- BHABHU(KAIMUR)
COMPLAIN C District- Kaimur (Bhabua) *

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Santosh Thakur @ Santosh Kumar Sharma son of Shio Prasad thakur,
Resident of Village- Malwar, Post Office Shivsagar, P.S. Shivsagar, District-
Rohtas (Sasaram)

... .. Petitioner

Versus

1. The State Of Bihar
2. Suman Devi wife of Santosh Thakur, daughter of Late Dewanant
Thakur, presently residing at village- Jorar, Post Office- Baroura, P.S.
Ramgarh, District- Kaimur (Bhabhua)

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Pathak, Advocate.
For the O.P. No. 2 : Mr. Yogendra Kumar, Advocate.
For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 11-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 323, 498A of the Indian Penal Code and 3/4
of Dowry Prohibition Act registered in connection with
Complaint Case No. 330 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and this is the first complaint of its nature since the
parties were married in the year 2011 and as such the demand
allegedly made at the time of *bidai* and subsequently are
improbable. It is submitted that the complainant is not interested



in living with the petitioner and efforts in course of mediation are also failed.

4. Learned counsel for the complainant submits that the complainant is ready to live with the petitioner.

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-1st, Kaimur at Bhabhua in connection with Complaint Case No. 330 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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