

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61516 of 2019**

Arising Out of PS. Case No.-367 Year-2018 Thana- RAXAUL District- East Champaran

CHHOTU SAH S/o Motilal Prasad Sah @ Motilal Prasad @ Motilal Sah R/o
village- Ghorasahan Adarsh Nagar, P.S.- Ghorasahan, District- East
Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Kundan Rathore, Advocate
For the Opposite Party : Mr. Sanjay Kumar Pandey, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 23-01-2020 Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offence punishable under sections 307, 354, 406, 498 of the IPC and section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that petitioner is the husband of the victim. Earlier FIR was lodged for the offence under sections 307, 354, 498 of the IPC and after investigation police submitted charge sheet under section 498A of the IPC and section 3/4 of the DP Act. He further submits that the petitioner has also filed a case under section 9 of the Hindu Marriage Act on 11.12.2018. He submits that the instant case has been filed only to pressurize the petitioner to withdraw the aforesaid case. Petitioner is in custody since 31.7.2019.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Raxaul at Motihari in Raxaul Police Station Case No. 367/2018, on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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