

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6635 of 2020

Arising Out of PS. Case No.-869 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

=====

SURYA PRAKASH Son of Paras Nath Resident of Mohalla - F-1, M.I.G. 51,
Bari-8, P.S.- Bari, District- Kanpur (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Kumari Wife of Surya Prakash, D/O - Raja Ram Prasad Resident of Mohalla - Mogalpura, Naudhal, P.O.- Patna City, P.S.- Khajakalan, District- Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash
For the Opposite Party/s : Mr. Asha Kumari

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

3 01-07-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 498 A, 341, 323, 380 of the Indian Penal Code and Section 3/4 of the D.P. Act.

Allegation against the FIR named accused including the petitioner is to have assaulted and taunted the complainant for non-fulfillment of demand of dowry and lastly they ousted her from her matrimonial house.



It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to ulterior motive of the complainant. It is further submitted that prior to filing of the present complaint petition, the petitioner had filed a divorce case against his wife / complainant before the Principal Judge, Family Court, Kanpur Nagar on 01.05.2017 vide complaint case No.807 of 2017 and complainant also had filed a matrimonial (Divorce) Suit No.1184 of 2017 before the Principal Judge, Family Court, Patna against her husband/petitioner. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.869 of 2017 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

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

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

