

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25983 of 2020

Arising Out of PS. Case No.-237 Year-2017 Thana- COMPLAINT CASE District- Supaul

SURENDRA THAKUR Son of Late Gangay Thakur @ Dhodhay Thakur
R/O- Baisi, P.S.- Karjain, Distt.- Supaul.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Punam Devi Wife of Surendra Thakur D/o- Sitaram Thakur, Presently resident of Padumpur, P.S.- Karjain, Distt.- Supaul.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jagdhara Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-01-2021 Heard learned counsel for the petitioner and Mr. Jagdhara Prasad, learned APP for the State.

The petitioner in the present case is the husband of the complainant-O.P. No. 2. He is seeking pre-arrest bail in connection with Complaint Case No. 237 of 2017 registered for the offences punishable under Sections 498A, 494, 341, 323, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that marriage between the parties had been solemnised about 10 years ago and had got two children from the marriage. The submission is that at this stage the allegation has been made that the complainant has been ousted from her matrimonial house because of the non-fulfillment of the demand of dowry.

Learned counsel submits that in fact the complainant has



entered into another marriage with one Rajendra Thakur and is presently living with him. It is his submission that at the instance of said Rajendra Thakur the present private complaint has been made.

Earlier this Court had issued notice to complainant-O.P. No. 2. As per the Office report, O.P. No. 2 has personally received the notice. On 16.12.2020 this Court had adjourned the matter awaiting appearance of the complainant-O.P. No. 2 but she has chosen not to enter appearance in this case.

Mr. Jagdhar Prasad, learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner, however, considering that it is a private complaint case, learned APP has not chosen to argue the matter.

Having regard to the facts and circumstances of the case, in the nature of the allegations, there seems to be a case of matrimonial discord and the complainant-O.P. No. 2 is not opposing this application, let in case of his arrest or surrender the petitioner above named within a period of four weeks from today in connection with Complaint Case No. 237 of 2017 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Lal Bahadur Prasad, J.M. Birpur (Supaul), subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

