

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36723 of 2021

Arising Out of P.S. Case No.-56 Year-2020 Thana- MAHILA P.S. District- Madhepura

PRASHANT KUMAR SON OF KRISHNA DEV SAH Resident of Village -
Purani Godhi Tola, P.S.- Purani, Distt.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Laxmi Kumari W/o Prashant Kumar, D/o Sri Narayan Sah Resident of
Village - Gauripur, ward No.01, P.S.- Singheshwar, Distt.- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2021 A supplementary affidavit has been filed on behalf of

the petitioner stating that custody of the petitioner has wrongly

been typed i.e. 13.01.2020 in place of “13.01.2021” at

paragraph no. 16 of the bail application.

Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner, learned

counsel for the informant and learned APP for the State.

The petitioner seeks regular bail in connection with

Mahila P.S. Case No.56 of 2020 registered for the offence under

Section 498(A), 323, 354, 504 and 506/34 of the IPC and

Sections 3/4 of the Dowry Prohibition Act.

As per prosecution case, since the days of her

marriage, she is being tortured by the family members of her



husband for fulfilling the dowry demand.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the FIR itself that the date of occurrence was on 05.05.2020 and the present FIR was lodged on 01.10.2020. He further submits that from the impugned order, it appears that the informant was not ready to go with the petitioner. Petitioner is in custody since 13.01.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail.

Considering the aforesaid facts and circumstances and the period of custody of the petitioner, the above named petitioner is directed to 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 learned Sub Divisional Judicial Magistrate, Madhepura in connection with Mahila P.S. Case no. 56 of 2020 with following conditions:-

(i) 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 on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(ii) 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.

(iii) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) 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.

brajesh kumar/-

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(Rajesh Kumar Verma, J)

