

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47863 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- IMADPUR District- Bhojpur

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KUMUD BHARDWAJ CHAUBEY @ KUMUD BHARDWAJ @
CHULBUL CHAUBEY Son of Ramakant Chaubey Resident of Village -
Vishnupura, P.S.- Imadpur, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shweta Devi Wife of Kumud Bhardwaj @ Chulbul Chaubey D/o - Birendra Dubey, Resident of Village - Dubaula, P.S.- Peerpaiti, District - Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Adv.
For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Imadpur P.S. Case No. 63 of 2021 registered for the offence under Sections 448, 341, 323, 307, 498A, 494, 354(B), 504 and 34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

According to the prosecution, the informant is subjected to assault and torture on non-fulfillment of demand of dowry by her in-laws members. On protest being made by the family members of the informant, they have been assaulted by



giving Garasa blow resultantly brother the informant sustained severe injuries on his head and neck.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner happens to be husband of the informant and he never ever assaulted the informant or her family members in any manner nor he demanded any dowry. Although there is allegation of assault causing severe injuries to the brother of the informant, but the injury report, which is at annexure-2, suggests that the injuries sustained by the brother of the informant are simple in nature. Therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioner. Charge-sheet has been submitted in this case. The petitioner is rotting in judicial custody since 24.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Imadpur P.S. Case No. 63 of 2021 with 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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.

(Rajesh Kumar Verma, J)

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