

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2270 of 2022

Arising Out of PS. Case No.-866 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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NAWNEET KUMAR @ DABLOO S/O SURENDRA PRASAD VERMA
R/o village Mathiya Zirat, P.S.- Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. MAMTA KUMARI D/O AJAY KUMAR SRIVASTAVA R/o village- New Gopalpur, P.S.- Motihari Town, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, . APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Vide order dated 04.08.2022 notice was issued to the
opposite party No.2 under both processes but the service report
reveals that the opposite party No.2 refused to give signature
after taking notice.

In view of the office report, notice deemed to be
validly served upon opposite party No.2.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 498A and
406 of IPC.

The prosecution case, in short, is that the allegation



against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case on the basis that the petitioner is husband of the complainant. Further submits that it appears from the complaint petition that there is general and omnibus allegation against all the accused persons including the petitioner and the allegation as alleged in the FIR is false and fabricated and due to some family dispute, the petitioner has falsely been implicated in the present case.

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

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 court below where the case is pending in connection with Trial No.1978 of 2020 arising out of Complaint Case No. C-866 of 2019, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and with other 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper 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 antecedents, 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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