

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13178 of 2021

Arising Out of PS. Case No.-1764 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Pappu Giri S/o Lal Mohar Giri Resident of Village- Marchi, P.O.- Kaser, P.S.-
Bhagwanpur, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Mamta Devi Wife of Pappu Giri, Daughter of Late Dhananjay Puri
Resident of Raghunathpur, Mathiya, P.S.- Rani Talab, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 06-12-2022 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the informant and learned A.P.P.

for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 498A, 323
and 504 of the Indian Penal Code.

According to the prosecution case, the petitioner
started torturing and taunting the complainant due to non-
fulfillment of demand of dowry.

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 the petitioner has filed the matrimonial case No. 136 of 2019 for restitution of his conjugal rights and after the filing of the matrimonial suit, the complainant has filed the present complaint petition with ulterior motive to harass the petitioner. He further submits that vide order dated 22.02.2022 the matter was referred to the Mediation Center to resolve the disputes between the parties but it appears from the report of the learned Mediator that due to non-cooperation of the Opposite Party No. 2 the mediation could not be resolved through the process of mediation and the mediation has failed.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Complaint Case No. 1764(C) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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