

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5808 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- MAHILA P.S. District- Saran

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Pankaj Kumar Singh S/O Sri Janardan Singh Resident Of Village -Baldih Post
Jalalpur, P.S. Darouda Distt.- Siwan And Also Address Rasulpur P.S. Rasulpur
Distt.- Saran At Chapra Present Address- Sayal D Koliyari Sayal Ramgadh
Kant- Hajaribag 829125 (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Asha Devi @ Khushbu W/O Shri Pankaj Kumar D/O Shambhunath Singh
Resident Of Village- Baldih P.S. Darouda P.S. Darouda Distt.- Siwan Present
Address Safari P.S. Ekma Distt.- Saran At Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 29-11-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498(A),
323, 307, 379, 386, 506 of the Indian Penal Code and Section
3/4 of Dowry Prohibition Act.

According to prosecution case, on the basis of written
report of the complainant, allegation against this petitioner who



is the husband of the informant is that he was married with the informant Asha Devi on 28.05.2019. It is further alleged that the petitioner and other accused persons of this case had demanded a car in dowry and on non-fulfillment of that they used to badly torture her by assaulting, not supplying food and medicine and lastly the accused persons brought the informant in a car near her parental house and forcibly thrown her from the vehicle after badly assaulting her.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is the husband of the informant/complainant and it appears from the F.I.R. that there is general and omnibus allegation against the petitioner.

Vide order dated 24.08.2022, the matter was referred to the Patna High Court Mediation and Conciliation Center for amicable settlement between the parties but the report of the Mediator dated 16.11.2022 reveals that the parties have failed to settle their dispute through process of mediation.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have 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 within a period of four weeks, be released on anticipatory 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 Mahila P.S. Case No. 8 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 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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