

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6793 of 2022

Arising Out of PS. Case No.-2394 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Swarnim Prabhat @ Jitendra Son of Birendra Sah Resident of Village -
Kaporpakri, P.S.- Shikarganj, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari D/o Mewalal Sah Resident of Village - Dalpat Visunpur, P.S.-
Dhaka, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the State	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Navin Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-12-2022 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant and learned APP

for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Section 498A of the

Indian Penal Code and ³/₄ of the Dowry Prohibition Act.

Petitioner is the husband of the complainant.

Allegation is of demand of dowry and torture for non-

fulfillment of the same.



Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the complaint petition that there is general and omnibus allegation against the petitioner.

Vide order dated 25.08.2022, the matter was referred to the District Mediation Centre, Motihari for settlement of dispute between the parties. The report of the learned Mediator reveals that the Mediation has failed and now the petitioner is ready to pay a sum of Rs. 5,000/- per month regularly to the complainant in the Bank account vide Account No. 3518306688, IFSC Code CBIN0283043 till the disposal of the Maintenance Suit filed by the complainant.

Learned counsel for the complainant has no objection in this regard.

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/- (Rupees 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 Complaint Case No. 2394 of 2019, Trial No. 2489 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) The petitioner shall deposit a sum of Rs. 5,000/- per month regularly to the complainant vide Account No. 3518306688, IFSC Code CBIN 0283043 till disposal of the Maintenance Suit filed by the complainant.

(2) 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.

(3) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(4) 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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