

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32080 of 2021

Arising Out of PS. Case No.-272 Year-2020 Thana- JOGBANI District- Araria

Mithu Das @ Mithu Kumar Das S/o Upendra Das Resident of Village-Bhatiyahi, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi W/o Mithu Kumar Das, D/o Giranand Das Resident of Village-Bhatiyahi, P.S.- Jogbani, District- Araria, At present Resident of Village-Pokharbasti, Ward No. 21, P.S.- Forbesganj, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Advocate
For the Informant	:	Mr. Madhav Jha, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-06-2022 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, learned counsel for the informant and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 147, 149, 323, 498(A), 354(B), 504 and 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Petitioner is husband of the informant. Allegation is of demand of dowry and torture for 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 the present F.I.R. has been lodged only after the petitioner has filed the Matrimonial Case No. 62 of 2020 for dissolution of the marriage under Section 13 of the Hindu Marriage Act on 28.06.2020 and the present F.I.R. was instituted on 25.11.2020. Learned counsel for the petitioner further submits that the informant came to know about the aforesaid divorce case then the brother of the informant and others assaulted the petitioner for which the petitioner filed Forbesganj P.S. Case No. 253 of 2020 against the informant and his brother and others.

Learned counsel appearing for the informant as well as learned APP for the State have 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/- (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 Jogbani (Bathnaha) P.S. Case No. 272 of 2020, 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 witness, 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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