

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33614 of 2021

Arising Out of PS. Case No.-238 Year-2021 Thana- ARA NAGAR District- Bhojpur

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DHARMENDAR KUMAR S/O LATE LALI RAM SAH R/O VILLAGE-
MAULA BAG, P.S.-ARA NAGAR, DISTRICT-BHOJPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-01-2022 Supplementary affidavit has been filed on behalf of the petitioner for making necessary correction in the bail petition.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Ara Nagar P.S. Case No. 238 of 2021 registered for the offences punishable under Sections 498A, 341, 323, 504/34 of the IPC and Section 37 (C) of Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, the informant alleges that her husband after consuming alcohol used to assault her. The



informant further alleges that her husband was selling his house to one Upendra Pandit. The informant further alleges that her husband had married with another lady whose name was Mala Devi and aforesaid Mala Devi also assaulted her for many times.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that no such occurrence as alleged in the FIR ever took place. It is further submitted that the informant has sustained no injury. Petitioner is in custody since 21.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 238 of 2021, subject to 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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