

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26544 of 2022

Arising Out of PS. Case No.-835 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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MANOJ KUMAR S/o Late Kabilash Ram R/o Village Patesar, P.S. Chand,
District - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi wife of Manoj Kumar R/o Village Patesar, P.S. Chand, District - Kaimur at Bhabhua, at present reside with her father namely Ramraj Ram, R/o village Adhwaniya, P.S. Mohania, District - Kaimur at Bhabhua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tribhuvan Narayan, Advcoate
For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2022 Despite valid service of notice, no one appears on
behalf of opposite party No.2.

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.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 498(A),
323,379/34 of IPC but the learned court below has taken
cognizance under Section 498(A) of IPC and Section 3/4 of
D.P.Act.



The prosecution case, in short, is that allegedly , the complainant was married with the petitioner in the year 2016 and thereafter after passing a period of two months the petitioner started assaulting and torturing her for dowry related demand and and lastly ousted her from her matrimonial home.

Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that no occurrence took place as alleged in the FIR and the petitioner has never demanded the dowry and in fact the petitioner is husband of the complainant and he is ready to keep his wife with full dignity and honour.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Complaint Case No. 835 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

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

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 antecedents, 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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