

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52468 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- MAHILA P.S. District- Patna

ABHISHEK KUMAR SONI S/o Pravesh Sah Resident of- Near P.N. Mall,
in-front of Bharat Petrol Pump, P.S.- Patliputra, Distt.- Patna, and R/o village-
Hathisar, P.S.- Marhaura, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Rai

For the Opposite Party/s : Ms.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-01-2022 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 Mahila P.S.
Case No. 106 of 2020, G.R. No. 5673 of 2020 registered for the
offences punishable under Sections 498-A, 323, 34 of the IPC.

According to prosecution case, the informant was
married with petitioner on 28.04.2018 and after marriage she
starting residing in her matrimonial home where her husband,
mother-in-law started abusing and assaulting her. Later on, she
was ousted from her matrimonial home. On 22.09.2020 her



husband and other in-laws came to her natal house and assaulted her.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that allegation against the petitioner is without any evidence. He further submits that it appears from the FIR itself that date of occurrence as mentioned in the FIR is 22.09.2020 and the present FIR has been instituted on 24.09.2020 i.e. after delay of two days. Petitioner is in custody since 22.05.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

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 Judicial Magistrate, 1st Class, Patna in connection with Mahila P.S. Case No. 106 of 2020, G.R. No. 5673 of 2020, 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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