

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55299 of 2021**

Arising Out of PS. Case No.-105 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

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AMRESH KUMAR YADAV @ BITTU @ AMESH KUMAR SINGH Son of
AShok Yadav Resident of Village - Kathua, Police Station - Agiaon Bazar,
District – Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.APP.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 24-01-2022 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 Agiaon Bazar
P.S. Case No. 105 of 2021 registered for the offences
punishable under Sections 341, 323, 307, 498(A), 504, 506, 34
of the IPC and Section ¾ of D.P. Act.



The prosecution case, in brief, is that the informant alleges that on 26.05.2021 her husband (petitioner) and other in-laws abused her for non-fulfillment of demand of dowry. In the meantime, on the order of her mother-in-law, the petitioner started pressing her neck and all the accused persons assaulted her.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. It is further submitted that prior to the present FIR, the informant has already filed another FIR bearing Agiaon Bazar P.S. Case No. 64 of 2021 under Sections 341, 323, 498 A, 504/34 of the IPC and 3/4 of D.P. Act. He further submits that it appears from the FIR that there is no specific allegation of overt-act against the petitioner rather there is general and omnibus allegation against all the accused persons. The police after investigation submitted charge sheet and the petitioner is in custody since 28.05.2021.

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 Additional Chief Judicial Magistrate-8th, Bhojpur at Ara in connection with Agiaon Bazar P.S. Case No. 105 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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