

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57225 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- MAHILA P.S. District- Banka

Fulchand Singh Son of Pappu Singh Resident of Village - Rangaon Sathiyari,
P.s.- Dhoraiya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Praveen Kumar, Advocate
For the Opposite Party/s :	Mr. Bhanu Pratap Singh, A.P.P.
	Mr. Om Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2022 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 Banka Mahila P.S. Case No. 21 of 2021 registered for the offences punishable under Sections 498(A), 494, 34 of the Indian Penal Code and Sections 3/4 Dowry Prohibition Act.

According to prosecution case, the marriage between the informant Runa Devi and the petitioner was performed as per Hindu rites on 02.07.2016 and at the time of marriage,



several articles such as a motorcycle, jeweleries, T.V., utensils, etc. were given to the husband and his family members as gift and out of the wedlock, a female child was born to them. It is further alleged that after the birth of the female child, the husband and his family members started demanding dowry from the informant and due to non-fulfillment of the same, the informant was being tortured physically and mentally by her husband and in-laws.

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. He further submits that petitioner has been made accused in Complaint Case No. 692 of 2020 under section 498A of Indian Penal Code by the present informant at the same occurrence but till date cognizance has not been taken so that the informant has filed the present F.I.R. It appears that the informant/complainant is intentionally filed after one another case against the petitioner only to harass the petitioner. Petitioner is in custody since 08.07.2021.

The learned Additional Public Prosecutor opposed the prayer for bail.

Considering the aforesaid facts and circumstances, 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 Sub Divisional Judicial Magistrate, Banka in connection with Banka Mahila P.S. Case No. 21 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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