

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47785 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Hari Shankar Gupta @ Hari Shankar Kumar Sah @ Hari Shankar Kumar Saha @ Hari Shankar Kumar Saha, Son of Ram Sagar Gupta, Resident of Village - Madhwapur, P.S.- Madhwapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Kumari @ Juli Thakur, Daughter of Laxman Thakur, Resident of Village- Rampur Ward No. 11, P.S.- Madhwapur, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Today, this case has been listed on priority basis, on the motion slip filed by the learned counsel for the petitioner praying therein that the examination of the petitioner is going to be held on 12.10.2022.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Gagandeo Yadav, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with C.R. Case No. 53 of 2021 registered for the



offences punishable under Sections 147, 149, 120(B), 376, 384, 341, 323, 504, 506/34 of the Indian Penal Code.

The prosecution case is based on a complaint filed by the complainant alleging therein that both the petitioner and the victim girl were studying in a coaching at Benipatti wherein they fell in love with each other and established physical relationship on the pretext of marriage. However, later on the petitioner refused to solemnize marriage and when the complainant went to the house of petitioner, she was abused, assaulted and threatened by the family members of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that prior to the institution of this case, the complainant had filed Madhwapur case no. 102 of 2020 on 15.09.2020 for the offences under Sections 341, 379, 323, 498A, 504, 506 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act alleging therein that she had already solemnized marriage with the petitioner and was living happily in his house. However, after some times, the family member of the petitioner started demanding dowry and on non-fulfillment of the same, she was subjected to torture. He further submits that the father of the petitioner also filed a case against the complainant and



others bearing Madhwapur P.S. case no.103 of 2020 on 15.09.2020 itself under Sections 341, 323, 379, 354, 447, 448, 504, 506/34 of the Indian Penal Code. He next submits that considering the entire aspect of the matter, learned court below has taken cognizance of the offence only under Sections 493, 323, 504 and 506/34 of the Indian Penal Code, as is evident from Annexure-4 to the bail application. He next submits that the petitioner is a student has just now completed his internship from the Department of Continuing Education, Barkatullah University, Bhopal and besides the institution of two cases lodged by the complainant, there is no other cases against the petitioner. The petitioner is in custody since 04.07.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that prior to the institution of this complaint case, the complainant herself had instituted a case against the petitioner and his family members alleging therein that she had solemnized marriage with the petitioner and she had been living as a wife with the petitioner and moreover the learned jurisdictional court has taken cognizance only under Sections 493, 323, 504 and 506/34 of the Indian Penal Code, let



the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Benipatti, Madhubani in connection with C.R. Case No. 53 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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