

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57941 of 2021

Arising Out of PS. Case No.-947 Year-2014 Thana- COMPLAINT CASE District- Jamui

Sharwan Mahton @ Sharwan Mahto S/O Mathura Mahto R/O Bahadurpur,
P.O-Bahramba, P.S-Sikandra, District-Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Khushboo Devi W/O Sharwan Mahton, D/O Bhagwan Mangal Das
R/O Village And P.O-Sijhauri, P.S-Sikandra, District-Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay Mr. Amit Narayan, Advocates
For the Informant	:	Mr. Arun Kumar, Advocate
For the State	:	Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 498(A) and 323 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

According to complaint petition of complainant Khushboo Devi, the prosecution case, in short, is that the complainant is subjected to assault and torture for non-fulfillment of demand of dowry made by the petitioner and his



family members.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that in fact the petitioner was granted anticipatory bail vide order dated 21.02.2019 in Cr. Misc. No. 1966 of 2019 but due to some other reason the petitioner could not comply the aforesaid order and he surrendered before the court below on 19.04.2021. Learned counsel for the petitioner further submits that he is ready to keep his wife with full dignity and honour.

Learned counsel for the informant appears and submits that she is ready to live with the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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. 947C of 2014, with 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



witness, 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.

(4) One of the bailors must be the complainant.

(Rajesh Kumar Verma, J)

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