

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48615 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Anup Kumar Son Of Chotelal Mahto R/O Village- Kashi Thengrahi, P.S.-
Mohammadpur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Minki Devi Wife Of Anup Kumar, D/O Babulal Mahto R/O Village-
Kashi Thengrahi, P.S.- Mohammadpur, District- Gopalganj, Presently Reside
At Dewapur, Mohar Singh Tola, P.S.- Manjhagarh, District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mira Kumari, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
counsel for the informant and learned A.P.P. for the State.

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

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 498A of
the Indian Penal Code and 3/4 of D.P. Act.

According to the prosecution case, the accused
persons used to torture the complainant mentally and physically
due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case has been filed by the complainant on 28.02.2022 as a retaliation to the divorce case filed by the petitioner on the ground of adultery on 24.01.2022. He further submits that in view of the conduct of the complainant, it is not possible for the petitioner to live with the complainant.

The learned counsel for the Informant has vehemently opposed the prayer for bail of the petitioner and submits that the complainant is ready to live with the husband.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Court below where the case is pending in connection with Tr. No. 2071 of 2022 arising out of Complaint Case No. 371 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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