

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50210 of 2022

Arising Out of PS. Case No.-1 Year-2020 Thana- MAHILA PS District- Jamui

BIRJU KUMAR @ NIRAJ Son of Bipin Singh R/V- Dundo, P.S- Jamui, Dist-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-11-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offence under Sections 498A/34 of the Indian Penal Code.

The informant is subjected to assault and torture on account of non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner happens to be the husband of the informant and he has never demanded any dowry from her nor assaulted her in any manner. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and no



specific allegation of assault or torture is attributed to him. He further submits that as a matter of fact, the petitioner has already filed a case for restitution of conjugal rights under Section 9 of the Hindu Marriage Act before the learned Principal Judge, Family Court, Jamui and the learned Judge has passed the order in favour of the petitioner. He further submits that despite the order passed by the competent court, the informant did not get ready to live with the petitioner thereafter the petitioner filed a matrimonial Suit for dissolution of marriage and upon service of notice, the informant has lodged a false and fabricated case against the petitioner with ulterior motive just to harass the petitioner. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State as well as learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 learned Court below where the case is pending in connection with Mahila Case No. 01 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as



also 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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