

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57367 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- MAHILA P.S. District- Nawada

Binod Singh Son of Late Ratan Singh Resident of Village- Karanpur, P.S.-
Govindpur, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nishu Kumari D/o Dilip Singh Resident of Village- Madra, P.S.- Roh,
District- Nawada, Mob. no. 9525731087

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-12-2022 Heard learned counsel for the petitioner 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 341, 323,
498(A) and 34 of the Indian Penal Code and 3/4 of the Dowry
Prohibition Act.

Petitioner is the husband of the informant.
Allegation is of demand of dowry and torture for the same.

Learned counsel for the petitioner submits that the



informant has already filed a complaint Case No. 46 of 2022 under Sections 323, 504 and 498(A) of the Indian Penal Code against the petitioner. He further submits that in fact, the petitioner and the complainant has filed a case Matrimonial Suit No. 97 of 2021 dated 25.11.2021 under Section 13(B) of Hindu Marriage Act, 1955 and thereafter, the informant filed the present F.I.R. against the petitioner only to harass the petitioner. He further submits that the allegation alleged in the F.I.R. is false and fabricated.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

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 Mahila Thana (Mahila) P.S. Case No. 08 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following condition



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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