

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58908 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Md. Kamal @ Kamal Sekh S/o Ahesan Sekh @ Md. Jainuddin R/V-
Ofapur/Wafapur, Belari, P.S.- Lakhisarai, Distt- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Nand 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,
325, 307, 313, 498(A), 504 and 34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

According to the prosecution case, due to non-
fulfillment of demand of dowry, all the accused persons
including the petitioner started assaulting the informant and also
assaulted the maternal uncle of the informant.

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 in fact, the petitioner is the brother-in-law of the informant. He further submits that it appears from the F.I.R. that apart from general and omnibus allegation there is allegation that the petitioner assaulted the maternal uncle of the informant. He further submits that the injury report of the maternal uncle of the informant suggests that the injury is simple in nature. He further submits that the petitioner has no concern at all with the family affairs of the informant and in fact, the petitioner is not present at the time of the occurrence.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner.

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 Lakhisarai P.S. Case No. 386 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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