

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3463 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- RAMGARHWA District- East
Champaran

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Saheb Sahani @ Saheb Kumar Choudhary S/O Hirdaya Narayan Sahni @
Hirdya Sahani @ Manejar Sahani Resident of village- Nandlali, Singhashani,
P.S.- Ramgadhwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumar D/O Manejar Sahani Resident of village- Harsidhi, District-
East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor 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.

Petitioner seeks bail who is in custody since
25.08.2022 in connection with Ramgadhwa P.S. Case No. 180
of 2022, F.I.R. dated 06.06.2022 for the offences punishable
under Sections 498(A), 341, 323, 504/34 of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act.

According to prosecution case, all the accused persons
including the petitioner attempted to kill and threatened the



informant due to non-fulfillment of demand of dowry. It is further alleged that the accused persons forcibly aborted her child due to which she became seriously ill and they also threw starch on her body resulting in burn injury.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is the husband of the informant. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of assault or overt act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Sub Divisional Judicial Magistrate, Raxaul at Motihari in connection with Ramgadhwa P.S. Case No. 180 of 2022, subject to 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 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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