

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11139 of 2023

Arising Out of PS. Case No.-379 Year-2020 Thana- ADAPUR District- East Champaran

Pradeep Chaudhary @ Pradeep Jaiswal S/O Late Kanhai Choudhary R/v-
Balua Hasanpur, P.O. and P.S.- Kundwa Chainpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi W/O Pradeep Choudhary, D/O Sant Sah R/v- Mudhi Belwa, P.O.
and P.S.- Adapur (Harpur), District- East Champaran

...
... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.11.2022 in connection with Adapur P.S. Case No. 379 of
2020, F.I.R. dated 16.12.2020 for the offences punishable under
Sections 498(A), 406, 354(B) and 315 of the Indian Penal Code.

According to prosecution case, the complainant Sanju
Devi has stated that she was married to Pradeep Jaiswal on
14.05.2020 (wrongly mentioned) according to Hindu rituals and
customs after giving cash, jewellery, utensils, furniture and
clothes worth Rs. 4,75,000/-. After marriage the complainant



came to her Sasural, then also the accused persons subjected her to cruelty for their demand of a motorcycle in dowry by assaulting and causing injury to her. In the meantime, the complainant became pregnant and she gave birth to a male child, she again became pregnant, then the accused persons got her foetus examined. On 12.03.2020 the accused persons tried to kill her by pressing her neck and tore her clothes after obtaining her signature on plain paper.

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 allegation as alleged in the FIR/complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the FIR/complaint petition and the petitioner is falsely implicated in the present case merely on the ground that the petitioner is the husband of the informant and it appears from the complaint-petition that the date of occurrence as alleged in the FIR is 19.05.2005 and it is very surprising that the marriage was performed on 14.05.2020. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 02.11.2022.



The learned Additional Public Prosecutor for the State 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 Judicial Magistrate – 1st class, Raxaul at Motihari East Champaran, in connection with Adapur P.S. Case No. 379 of 2020 , 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)

Aditi/ Vikas

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