

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12735 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- GOPALPUR District- West Champaran

OM PRAKASH DAS SON OF BABULAL DAS R/O VILLAGE- GHOGHA
CHAUK WARD NO.11, P.S.- GOPALPUR, DISTRICT WEST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pooja Kumari Wife Of Om Prakash Das, D/O Surendra Das R/O Village- Ghogha Chauk Ward No.11, P.S.- Gopalpur, District- West Champaran, At Present R/O Village- Dusaiya Tola Bettiah Dih Ward No.15, P.S.- Manuapool, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-10-2023 Heard Mr. Brij Kishor Mishra, learned counsel for the

petitioner and Dr. Kumar Uday Pratap, learned APP for the

State.

2. No one appears on behalf of the opposite party no.
2 when the matter was called.

3. Vide order dated 17.05.2023, notice was issued to
the opposite party no. 2 and the service report suggests that the
notice was received by the brother of opposite party no. 2.

4. Learned counsel for the petitioner has filed a
supplementary affidavit stating therein that the opposite party
no. 2 is living with his brother who has received the notice and



he has stated in the affidavit that the opposite party is living with his brother as a jointness.

5. The petitioner is apprehending his arrest connection with Gopalpur P.S. Case No. 158 of 2022, F.I.R. dated 16.11.2022 registered for the offences punishable under Sections 498(A), 384, 323, 307, 504, 506/34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

6. Allegation against the petitioner is of demand of dowry and torture for the same.

7. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the ground that the petitioner is the husband of the complainant/informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the complainant/informant has not produced any document of her injury to suggest that she has received injury in the present occurrence and hence no case is made out under Section 307 of the Indian Penal Code and despite of notice, no one appears on behalf of the opposite party no. 2.

8. Learned APP for the State has opposed the prayer



for anticipatory bail of the petitioner.

9. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 158 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 witness, 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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