

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17147 of 2023**

Arising Out of PS. Case No.-395 Year-2018 Thana- COMPLAINT CASE District- Banka

PRAKASH DAS @ PRAKASH HARIJAN S/O HECHEN HARIJAN @
HACHEN HARIJAN RESIDNET OF VILLAGE-SALEMPUR P.S-
AMARPUR, DISTRICT- BANKA

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Priti Devi Wife of Prakash Das @ Prakash Harijan, D/O Prakash Das
Presently residing at Village- Dhauni, P.S.- Rajoun, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 04-10-2023 Heard Mr. Anil Kumar Singh, learned counsel for the
petitioners and Mr. Choubey Jawahar, learned A.P.P. for the State.

As per service report, notice has been received by the
mother of the complainant and the petitioner has filed affidavit
stating therein that O.P. No.2 is living with her mother, therefore,
service of notice received by the mother of the complainant is
deemed to be validly served.

The petitioner apprehends his arrest in connection
with Complaint Case No. 395 of 2018 registered for the offence
under Sections 498(A) and 506/34 of the Indian Penal Code and
Section 4 of the D.P. Act.

The complainant is subjected to mental and physical
torture and assault on account of non-fulfillment of demand of



dowry at the instance of the petitioner and she has been ousted from her matrimonial home.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the complaint, is false and fabricated and the petitioner has not committed any wrong with the complainant. He further submits that the petitioner has never demanded any dowry amount from the complainant and her family members in any manner nor he has assaulted the complainant. He further submits that the petitioner is ready to keep the complainant as wife with full honour and dignity.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the report of the learned mediator, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned S.D.J.M., Banka in connection with Complaint Case No. 395 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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