

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21676 of 2023

Arising Out of PS. Case No.-325 Year-2021 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Nitish Kumar Chaurasia Son of Late Kapil Prasad R/V- Chora Balwapar, P.s-
Harnaut, Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Kumari Wife of Nitish Kumar , D/o Badri Chaurasiya R/V- Chora
Balwa, Post- Simri, Dihri, P.S- Harnaut, Dist- Nalanda, At present R/V-
Chhatarwa, P.S- Pakribarawan, dist- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-10-2023 Despite of validly served notice, no one appears on
behalf of the Opposite Party No. 2.

2. Heard Mr. Pramod Kumar Verma, learned counsel
for the petitioner and Mr. Rabindra Kumar, learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 325 of 2021 for the
offences punishable under Section 498A of the Indian Penal
Code.

4. According to prosecution case, this petitioner
physically assaulted the complainant along with her daughter
due to non-fulfillment of demand of dowry and also ousted her



from her matrimonial house.

5. 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 it appears from the complaint petition that there is general and omnibus allegation against all the accused persons including the petitioner and the complainant did not disclose the amount and articles which the petitioner's family have demanded. He further submits that the complainant has *Suo Moto* left the house of the petitioner and living in his father's house and she is not ready to live with the petitioner.

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

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 Judicial Magistrate, 1st Class, Nawada in connection with Complaint Case No. 325 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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