

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20980 of 2023

Arising Out of PS. Case No.-2550 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Manoj Sah Son Of Ramashray Sah R/O Village- Bishunpur Bansghat Ward
No.15, P.S.- Chakiya, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chandrama Devi Wife Of Manoj Sah R/O Village- Rajpur (kaysathtoli),
P.S.- Kesariya, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-10-2023 Heard Mr. Dhananjay Kuamr No. 2, learned counsel

for the petitioner and Mr. Ramesh Chandra, learned APP for the

State.

2. Despite of valid service of notice upon the

Opposite Party No. 2, no one appears on behalf of the Opposite

Party No. 2 when the matter is called.

3. The petitioner is apprehending his arrest

connection with Complaint Case No. 2550 of 2017 arising out

of Trial No. 1994 of 2019 dated 06.12.2017 registered for the

offences punishable under Sections 498(A) of the Indian Penal

Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

4. Petitioner is the husband of the complainant.



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

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that for the same set of occurrence the complainant has already filed Chakia P.S. Case No. 08 of 2018 for the same set of allegation and the petitioner has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 09.01.2019 passed in Cr. Misc. No. 78461 of 2018 and the present complaint petition has been filed for only misuse of process and in fact the complainant has performed the second marriage with one Umesh Sah Son of Bikhari Sah, resident of Village- Pakri, P.O. Jasholi, P.S. Baruraj, District- Muzaffarpur and she is living with her second husband and she has refused to live with the petitioner. He further submits that she has appeared in the Maintenance Case No. 48 of 2018 and the statement was recorded by the Principal Judge, Family Court, Motihari in which she has categorically stated that she does not want to live with the petitioner.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner on the ground that the



petitioner carries one more case other than the present one.

7. 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. 2550 of 2017 arising out of Trial No. 1994 of 2019, 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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