

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21777 of 2022

Arising Out of PS. Case No.-1051 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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RAKESH DASH Son of Chandrika Das Resident of Village - Talwa Pokhar,
P.S. - Kotwa, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi Daughter of Teras Das Resident of Village - Pipra Bahi Tola,
P.S. - Pipra, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No.C-1051 of 2018 instituted under
Sections 498A of the Indian Penal Code and ³/₄ of D.P. Act.

As per the prosecution story, the complainant alleged
that she was married to the petitioner but was regularly tortured.
In between she was blessed with three children whereafter the
cruelty increased and for non-fulfillment of demand of
motorcycle on 29-05-2018, she was assaulted and thrown out of
the house after snatching the belongings.



On the last occasion, on 02-11-2022, a coordinate bench of this Court had issued notice to the opposite party no.2 while granting interim relief to the petitioner.

As per the office report, the opposite party no.2 saw the notice but refused to make signature.

Learned counsel for the petitioner submits that till any order is passed, as she is legally wedded wife of him, he is ready to pay Rs.6000/- per month to her beginning February, 2023 by 10th of every month in the account of the lady after getting the account number and/or through demand draft in the NAZARAT of the concerned court which will be released in favour of the lady after checking her identity. The last submission is that he has no criminal antecedent and will be abiding by all the terms and conditions, if granted the privilege of anticipatory bail.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid facts as also that the notice was issued to the other side and the same was seen by the lady, ultimately the petitioner will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs.6000/- per month, as stated above.

Let the petitioner be released on bail, in the event of



his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Trial No.2089 of 2019 arising out of Complaint Case No.C-1051 of 2018 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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