

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37382 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- RAJAPAKAR District- Vaishali

Manoj Kumar Singh S/O Harinandan Singh R/O Village-Kashipur, Yadav Tola, P.S-Rajapakar (BARANTI O.P.), District-Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Arti Kumari W/O Manoj Kumar Singh, D/O Anil Rai R/O Village-Kashipur, Yadav Tola, P.O-Bidupur, P.S.-rajapakar (baranti O.P.), District-Vaishali, Present Address-Arti Kumari C/O Anil Rai, Village And P.O-Rajasan, P.S-Bidupur, District-Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-10-2023 Heard Mr. Alok Kumar Alok, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rajapakar (Baranti O.P.) P.S. Case No. 155 of 2020, F.I.R. dated 12.07.2020 for the offences punishable under Sections 147, 149, 341, 323, 498A/34 of the Indian Penal Code and Sections 3/4 of D.P. Act.

3. According to prosecution case, the informant has full faith that the petitioner along with other accused persons might have committed murder of his sister due to non-fulfillment of demand of dowry

4. 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that during the pendency of the bail petition, both the parties have filed Matrimonial (Mutual Divorce) Case No. 366 of 2022 under Section 13B of the Hindu Marriage Act and the same was disposed of vide order dated 26.06.2023 and the matrimonial case was hereby decreed under Section 13(B) of the Hindu Marriage Act. The marriage between the parties namely, Manoj Kumar Singh (petitioner) and Arti Kumari (informant) is dissolved on the basis of mutual consent.

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

6. 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 Chief Judicial Magistrate III, Vaishali at Hajipur in connection with Rajapakar (Baranti O.P.) P.S. Case No. 155 of 2020,



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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