

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32423 of 2022

Arising Out of PS. Case No.-499 Year-2020 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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RAJESH KUMAR SAH @ RAJESH KUMAR S/o Satya Narayan Sah R/o
Vill- Hirpur, P.S.- Jandaha, Dist.- Vaishali at present 337 Dhirajnagar,
Godadra Surat Nagar, P.S. - Chaldhan, Dist.- Surat (Gujrat).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Kumari W/o Rajesh Kumar Sah @ Rajesh Kumar, D/o - Manoj
Sah R/o Vill - Khopi, P.s.- Jandaha, Dist.- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Rajeev Ranjan No.II, Advocate
For the Opposite Party/s :	Mr.Ram Sumiran Rai, APP
For the Complainant :	Mr. Krishna Chandra Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard Mr.Rajeev Ranjan No.II, learned counsel for
the petitioner, Mr. Krishna Chandra Ojha, learned counsel for
the complainant and Mr.Ram Sumiran Rai, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 499 of 2020, Complaint
dated 19.02.2020 registered for the offence punishable under
Sections 498(A) of the Indian Penal Code.

3. Allegation against the petitioner is of committing
torture upon the victim due to non-fulfillment of demand of
dowry.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the petitioner has already filed a Family Suit No. 591 of 2020 on 08.12.2020 for restitution of conjugal life. Further submits that from a bare perusal of the impugned order that the informant has refused to stay with the petitioner and it appears from the impugned order that the petitioner is ready to keep his wife with full dignity and honour but the complainant has refused to live with her husband and the conciliation was made between them but the same was also failed.

5. Learned counsel for the complainant and learned APP for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Vaishali at Hajipur in connection with Complaint Case No. 499



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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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 antecedents, 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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