

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32729 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- MAHILA P.S. District- Madhubani

Shyam Sah Son Of Ram Prasad Sah R/O Village- Jafra, P.S.- Patauna O.P.
(BISFI), District- Madhubani Petitioner/s

Versus

1. The State of Bihar
2. Ram Kumari Devi D/O- Sitaram Sah At Present Resident Of Village-
Mominpur, P.S.- Sakari, District- Madhubani Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Vinod Kumar, Advocate
	:	Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahani, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-10-2023 Despite of valid service of notice, no one appears on
behalf of opposite party No.2.

2. Heard Mr. Gagan Deo Yadav, learned counsel for
the petitioner and Mr. Ramchandra Sahani, learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 42 of 2021, F.I.R. dated
05.06.2021 registered for the offence punishable under Sections
323,341,498(A)/34 of the Indian Penal Code and Section 3/4 of
the D.P. Act.

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



5. 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 from a bare perusal of the FIR it appears that there is no specific allegation of demand of dowry or torture attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the petitioner is husband of the informant.

6. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. 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 Chief Judicial Magistrate, Madhubani in connection with Mahila P.S. Case No. 42 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 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)

Nitesh/-

U		T	
---	--	---	--

