

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39389 of 2023**

Arising Out of PS. Case No.-696 Year-2019 Thana- MADHUBANI
COMPLAINT CASE District- Madhubani

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1. GANESH THAKUR Son of Mahavir Thakur Resident of Phulparas, ward no. 4, PS. - Phulparas, Distt. - Madhubani
 2. RANI DEVI Wife of Ganesh Thakur Resident of Phulparas, ward no. 4, PS. - Phulparas, Distt. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. ARTI KUMARI Wife of Sri Rohit Thakur, D/o Ram Bilash Thakur Resident of village and Post Phulparas, P.S. - Phulparas, Distt. - Madhubani at present residing at village and post Sangi, P.S. - Phulparas, Distt. - Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhas Ranjan

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-10-2023 Heard Mr. Prabhas Ranjan, learned counsel for the
petitioners and Mr. Akbar Ali, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Complaint Case No. 696 of 2019/ T.R. No. 3395 of 2021
registered for the offence under Sections 498(A) of the Indian
Penal Code and Section 3/4 of the D.P. Act.

The complainant is subjected to assault and torture on
account of non-fulfillment of demand of dowry at the instance of
the petitioners.

Learned counsel appearing for the petitioners submits



that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case merely on the ground that the petitioners happen to be in laws of the complainant. He further submits that on bare perusal of the complaint petition, it appears that there is general and omnibus allegation against the petitioners. He further submits that the petitioners have never demanded any dowry from the family members of the complainant nor they have tortured and assaulted the complainant in any manner. He further submits that the petitioners have no concern at all with the family affairs of the complainant.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub- Divisional Magistrate, Jhanjharpur in connection with Complaint Case No. 696 of 2019 corresponding to T.R. No. 3395 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners 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, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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