

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33729 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Ravi Shankar Prasad Son Of Panchanan Pandit Resident Of Mohalla-
Gulzarbagh Godda, P.S.- Godda (NAGAR), P.O.- Godda, District- Godda
(JHARKHAND)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari Wife Of Ravi Shankar Prasad, D/o Late Chandradhan Ram,
Resident Of Village- Lakhan More, Daudnagar, P.S.- Daudnagar, District-
Aurangabad (BIHAR)

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

11 03-10-2023 Heard Mr.Rajesh Kumar, learned counsel for the

petitioner, learned counsel for the opposite party No.2 and

Mr.Nagendra Prasad, learned Additional Public Prosecutor for

the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 139 of 2021, Complaint
dated 21.08.2021 registered for the offence punishable under
Sections 147, 148, 323, 325, 379, 380, 498A, 504, 506, 511 of
the Indian Penal Code and Section 3/4 of the D.P.Act.

3. Allegation against the petitioner is that he
alongwith other co-accused persons committed torture upon the
victim due to non-fulfillment of demand of dowry. She was



assaulted by the petitioner with lathi as a result she sustained hand injury. Petitioner also assaulted her by fists and legs on her stomach leading to miscarriage. It is further alleged that the accused persons attempted to kill the complainant by setting her on fire.

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.

5. Vide order dated 20.03.2023, the matter was referred to the Patna High Court Mediation and Conciliation Centre for amicable settlement between the parties but the report of the learned Mediator dated 21.04.2023 suggests that despite of best efforts, dispute between the parties could not be resolved through the process of the Mediator and thereafter the mediation has been failed.

6. Learned counsel for the petitioner submits that before filing of the complaint petition petitioner has filed a case for restitution of conjugal rights bearing Original Suit No.84 of 2021 dated 21.06.2021 and when the complainant came to know about the aforesaid proceeding then she filed the present



complaint petition on 21.08.2021 and the allegation as alleged in the complaint petition is false and fabricated and the petitioner has never demanded any dowry from the family members of the complainant and it appears from the complaint petition that there is general and omnibus allegation against all the accused persons including the petitioner.

7. 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 and submits that from a bare perusal of the complaint petition it appears that the petitioner and his family members have tried to harass the complainant and in her S.A. under Section 200 of Cr.P.C. the complainant has fully supported the case of the prosecution.

8. 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 Sub Divisional Judicial Magistrate, Daudnagar in connection with Complaint Case No. 139 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)

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