

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34079 of 2022

Arising Out of PS. Case No.-216 Year-2019 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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NIRMAL KUMAR NIRALA S/o Shyam Sunder Gupta R/o village- Chinee
Mill Road, Ward No. 16, Banmankhi, P.S.- Banmankhi, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. LUCY KUMARI D/o Om Prakash Gupta, W/o Nirmal Kumar Nirala R/o
village- Purani Bazaar, Ward No. 10, P.O., P.S. and District- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 16-10-2023 Heard Mr.Shailendra Kumar Singh, learned counsel

for the petitioner, learned counsel for the complainant and

Mr.Tarkeshwar Nath Thakur, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.216 of 2019 registered for
the offences punishable under Section 498(A) of IPC.

3. Allegation against the petitioner and other co-
accused persons 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 complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. Further submits that today also the petitioner is ready to keep the complainant as wife with full dignity and honour but the learned counsel for the complainant has refused for the same and he submits that she is not ready to live with the petitioner and the petitioner has lastly filed Matrimonial Case No.141 of 2021 under Section 13(i) of the Hindu Marriage Act and in which the opposite party No.2 has appeared and she has stated that she is not ready to live with the petitioner.

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 Sub Divisional Judicial Magistrate, Madhepura in connection with Complaint Case No.216 of 2019, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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