

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36105 of 2023

Arising Out of PS. Case No.-3915 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Shakuntala Devi Wife of Shambhu Prasad Resident of Mohalla - Paschimi Jay
Prakash Nagar, P.S. - Jakkanpur, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Kumari Wife of Gaurav Kumar, D/o Basudeo Sao, C/o Doman
Yadav Resident of village - Shivpuri, P.S. - Gardanibag, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s	:	Ms .Gulnar Begum, APP
For the Complainant	:	Mr. Praveen Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-10-2023 Heard Mr. Manoj Kumar Pandey, learned counsel

for the petitioner, Mr. Praveen Kumar, learned counsel

appearing on behalf of the complainant as well as Ms. Gulnar

Begum, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Complaint Case No. 3915(c) of 2021, for the
offences punishable under Sections 323, 498A/34 of the Indian
Penal Code.

3. According to prosecution case, all the accused
persons including this petitioner assaulted the complainant and
forced her to leave the house due to non-fulfillment of demand
of dowry.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. He further submits that the petitioner is the mother-in-law of the complainant.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Judicial Magistrate 1st Class, Patna in connection with Complaint Case No. 3915(c) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 antecedent, 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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