

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38778 of 2023**

Arising Out of PS. Case No.-723 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Manoj Sah S/O Babulal Sah R/O Vill. Maidashahpur, PS. Chiriya Bariyarpur,
Dist. Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Munni Devi W/O Manoj Sah And D/O Kartik Sah At Present Resident Of
Village. Chakhamid, Ps. Bakhri, Dist. Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar @ S.K., Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP
For the Complainant	:	Mr. Sandip Kumar Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-10-2023 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner, Mr. Sandip Kumar Gautam, learned counsel
appearing on behalf of the complainant as well as Mr. Pradeep
Narain Kumar, learned Additional Public Prosecutor for the
State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 723 of 2021, dated
01.07.2021 for the offences punishable under Sections 323, 341,
307, 497, 498A of the Indian Penal Code and Section 3/4 of the
D.P. Act.

3. According to prosecution case, the complainant
was subjected to cruelty for non-fulfillment of demand of



dowry by all the accused persons including the petitioner.

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. He further submits that the petitioner is ready to keep his wife along with two children with full dignity and honour.

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 and submits that the complainant has filed maintenance case bearing Maintenance Case No. 60 of 2021 before the Family Court, Begusarai and the Family Court, Begusarai has directed the petitioner to pay Rs. 8,000/- to the complainant and Rs. 7,500/- as litigation cost to the complainant.

6. Learned counsel for the petitioner outrightly submits that as per the direction in the Maintenance Case No. 60 of 2021 the petitioner is ready to pay Rs. 1 lakh at the time of furnishing bail bond by way of demand draft in favour of the complainant.

7. 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 cum Addl. Munsif, Begusarai in connection with Complaint Case No. 723 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 produce a demand draft of Rs. 1 lakh in favour of the complainant, namely, Munni Devi at the time of furnishing bail bond and the learned Court is directed to hand over the said demand draft to the complainant or her representative after due verification and the rest amount will be paid in future.

ii. 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.

iii. 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.

iv. 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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