

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37749 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- SONEPUR District- Saran

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Raushan Maharaj @ Raushan Kumar S/o Bajendra Manharaj, Resident of Village and P.O.- Kharika, Police Station- Kharika, P.S.- Sonapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP
For the Informant	:	Mr. Dhananjay Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 05-10-2023 Heard Mr. Kaushal Kumar, learned counsel for the petitioner, Mr. Dhananjay Kumar Tiwary, learned counsel appearing on behalf of the informant as well as Mr. Syed Mojibur Rahman, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sonapur P.S. Case No. 65 of 2022, F.I.R. dated 25.01.2022 for the offences punishable under Sections 341, 323, 379, 494 and 498A of the Indian Penal Code and Sections 3/4 of the D.P. Act.

3. According to prosecution case, this informant was subjected to cruelty on the pretext of non-fulfillment of dowry demand and ultimately ousted from her matrimonial house.



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 entire prosecution story is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R and he has never demanded any dowry from the family members of the informant.

5. Vide order dated 23.01.2023 the matter was referred to the Mediation Center, Patna High Court for settlement of the dispute between the parties. Report of the learned Mediator dated 12.05.2023 reveals that the dispute between the parties could not be resolved and thus, mediation proceeding has failed.

6. Learned counsel for the petitioner is ready to give Rs. 2,000/- per month in installment to the informant.

7. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that Rs. 2,000/- is very less amount for sustenance.

8. 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 Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No. 65 of 2022, 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 pay Rs. 5,000/- per month to the informant in the first week of every month till the disposal of the Maintenance case or any other proceeding and the amount of Rs. 5,000/- shall be credited in the account of the informant through RTGS in SBI Account No. 20388032872, IFSC—SBIN0001511.

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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