

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40498 of 2023**

Arising Out of PS. Case No.-70 Year-2023 Thana- MOTIHARI TOWN
District- East Champaran

- =====
1. CHANDRAWATI DEVI WIFE OF UMA SHANKAR PRASAD @ UMA SHANKAR PRASAD PATEL VILL BELVANWA, WARD NO. 23, BELVANWA, (NEAR- DURGA MANDIR),. PS- MOTIHARI TOWN, DISTRICT- EAST CHAMPARAN
 2. UMA SHANKAR PRASAD @ UMA SHANKAR PRASAD PATEL SON OF LATE NARAYAN PRASAD @ NARAYAN RAUT VILL BELVANWA, WARD NO. 23, BELVANWA, (NEAR- DURGA MANDIR),. PS- MOTIHARI TOWN, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar
For the Opposite Party/s : Mr.Khurshid Anwar

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-10-2023 Heard Mr. Kundan Rathore @ Kundan Kumar,

learned counsel for the petitioners and learned counsel for

the informant as well as learned Mr. Khurshid Anwar

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Motihari Town P.S. Case No. 70 of 2023 registered for
the offence under Sections 420, 467, 468, 471, 120(B),
498(A), 494 of the Indian Penal Code.

The informant is subjected to assault and torture
on account of non-fulfillment of demand of dowry and she



has been ousted from her matrimonial home.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioner No.1 has no criminal antecedent and petitioner No.2 is having one criminal antecedent other than the present one. He further submits that the informant has earlier filed a criminal case against the petitioner which was disposed of on the basis of compromise petition and thereafter the informant has filed the present case against the petitioner. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that O.P. No.2 has also filed a maintenance case No. 205 of 2018 in which the petitioner No.2 was directed to pay maintenance of Rs. 2000/- per month to O.P. No.2 and the same is being paid regularly. He further submits that the informant has been given 1/3rd share in landed property of petitioner No.2 and O.P. No.2 has sold her 1/3rd share to one Vishwajit Bahadur Singh. He further submits that the informant is in habit of filing false and frivolous cases against the petitioner No.2 and this case is ample example of misuse of process of



law. He further submits that still the petitioner No.2 is ready to pay Rs. 2000/- to the O.P. No.2 till the disposal of maintenance case.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Motihari Town P.S. Case No. 70 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners 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 thier absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

brajesh/-

U		T	
---	--	---	--

