

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.549 of 2021

Arising Out of PS. Case No.-1928 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Kumar Sidharth Son Of Sri Rajendra Pratap Singh Resident Of Village-
Kulharia, P.S- Koilwar, District- Bhojpur At Present Residing At Flat No 307
Malikarjuna, Aminpur, Medak, Telangana

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Rekha Singh W/O Kumar Sidharth, D/O Late Siddhi Nath Singh
Resident Of Mohalla-D.N. Singh, Road, Kharmanchak, P.S-Adampur
(JOGSAR), District-Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ravindra Kr Sinha No.2, Advocate
For the Opposite Party/s :	Mr. A.G.
For the Complainant :	Mr. Jitendra Pd. Singh, Advocate Ms. Sripriya Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

10 05-10-2023 Heard Mr. Ravindra Kumar Sinha, learned counsel

for the petitioner, learned counsel appearing on behalf of the

complainant as well as Mr. Jitendra Pd. Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1928 of 2018, dated
16.11.2018 for the offences punishable under Sections 498A,
323, 341, 307, 504, 506 and 366A of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons who are the family members of the



petitioner used to torture and assaulted the complainant for 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. In fact, before the filing of the complaint petition the petitioner has filed a Matrimonial Case bearing No. 10 of 2013 under Section 13 of the Hindu Marriage Act with the prayer to dissolve the marriage between the parties. He further submits that despite of validly served notice in the matrimonial case to the complainant, she has not appeared before the court concerned and thereafter the ex-parte order was passed in favour of the petitioner. He further submits that the complainant has filed the present complaint after knowing that the petitioner has filed the aforesaid matrimonial case thereafter the same was set aside in Misc. Case No. 616 of 2018 by the Family Court, Ara, Bhojpur and the complainant has challenged the same before the Hon'ble Court bearing M.A. No. 620 of 2018 which was pending before this Court for consideration.

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 fully supported the allegation as alleged in the complaint petition before the learned Magistrate and the order passed in matrimonial case is set aside by the Court concerned and now the matter is pending before this Court.

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 Sub Divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 1928 of 2018, 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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