

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46946 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- BIHIA District- Bhojpur

Rajkumar Singh @ Rajkumar S/O Late Ramjee Singh R/O Village- Osai Ps.
Bihiya Dist. Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khusbu Kumari W/O Rajkumar Singh, D/O Bijendra Singh At Present
Residing At Village- Motukpur Ps. Barhara Dist. Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, APP
For the Informant	:	Mr. Gopal Govind Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as Mr.
Ajay Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Bihiya P.S. Case No. 79 of 2023, F.I.R. dated
03.04.2023 for the offences punishable under Sections 498A/34
of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. According to prosecution case, the petitioner along
with other accused persons used to torture the informant due to
non-fulfillment of demand of one Apachee Motorcycle.

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 F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner is ready to keep the informant as his wife with full dignity and honour.

5. 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 the informant is not ready to live with the petitioner and she want one time settlement.

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 Additional Chief Judicial Magistrate 5th Bhojpur, Ara in connection with Bihiya P.S. Case No. 79 of 2023, 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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