

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48132 of 2023**

Arising Out of PS. Case No.-1327 Year-2007 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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SURENDRA MAHTO S/O LATE CHHATHU MAHTO R/O Village- Mehsi
Chauk Bajar, P.S- Mehsi, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mala Devi D/O Ramchandra Mahto R/O Village- Kudiya, P.S- Pipra, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 2 07-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 22.05.2023 seeks bail, in connection with Trial No.679/2022, arising out of Complaint Case No. C-1327 of 2007, dated 28.06.2007, for the offences punishable under Sections 498(A), 494 of the IPC.
3. According to prosecution case, the petitioner along with other co-accused persons are alleged to have assaulted and ousted the complainant from her matrimonial house due to non-fulfillment of the demand of dowry.
4. Learned counsel for the petitioner submits that the 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 offence as alleged in the F.I.R. He further submits that in fact the petitioner and the complainant are living separately since 2007 and from perusal of the complaint petition, it appears that the complainant had not disclosed that from whom the petitioner has performed his marriage. Even the complainant has not mentioned in the complaint petition that on which date the petitioner had performed the marriage. The petitioner is in custody since 22.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 C.J.M., Motihari, East Champaran in connection with Trial No.679/2022, arising out of Complaint Case No. C-1327 of 2007, subject to the following conditions:-

1. 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.

2. 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.

3. 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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