

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50583 of 2023

Arising Out of PS. Case No.-2435 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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Satish Kumar Son Of Late Bhola Yadav @ Dharmdeo Yadav Resident Of
Mohalla- Gango Bigha, Ps- Rampur, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Devi Wife Of Satish Kumar Resident Of Village- Naili, Post-
Chandchora, Ps- Magadh Medical College, Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Tabish Sharfuddin, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Durgesh Nandan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
25.03.2023 in connection with Complaint Case No. 2435 of
2018 for the offences punishable under Sections 498(A), 323,
504, 379/34 of the Indian Penal Code and Section 3/4 of Dowry
Prohibition Act.

4. According to prosecution case, this petitioner used



to abuse the complainant on false allegation and has also demanded vehicle and Rs. 1 lakh from the complainant and from her father and ousted her from her matrimonial house after keeping her belongings.

5. Learned counsel for the petitioner submits that petitioner is innocent 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. He further submits that earlier the petitioner was granted provisional bail by the learned Court below in B.P. No. 1261 of 2020 vide order dated 09.11.2020 but the same was cancelled by the Court below by order dated 04.01.2022. He further submits that it appears from complaint petition that the marriage was performed in the year 2006 and the allegation alleged in the complaint petition is that the petitioner has not maintained the complainant as well as their children and thereafter the petitioner has filed divorce suit under Section 13 of the Hindu Marriage Act bearing Matrimonial Case No. 241 of 2020 against the complainant. The petitioner is in custody since 25.03.2023.

6. 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 petitioner has not maintained the complainant as well as their children so the complainant has filed the Maintenance Case No. 90 of 2019 before the competent Court. They further submits that the petitioner carries one criminal antecedent other than the present one.

7. 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 Sub Divisional Judicial Magistrate, Gaya in connection with Complainant Case No. 2435 of 2018, subject to the 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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