

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56642 of 2023

Arising Out of PS. Case No.-2712 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Chandra Kishore Prasad @ Devendra Pratap Dev @ Chandra Kishor Pratap
@ Devendra Pratap S/O Viswanath Chaudhary R/O Village- Tajiyapur, P.S-
Pipra Kothi, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puspa Devi W/O Chandra Kishore Prasad @ Devendra Pratap Dev @
Chandra Kishore Pratap @ Devendra Pratap D/O Shyama Bharti And
Krishna Chaudhary, R/O Village- Tajiyapur, P.S- Pipra Kothi, P.S- East
Champaran, Currently Residing At Krishnagar, P.O And P.S- Motihari,
Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niwas Jha
For the Opposite Party/s : Mr. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard Ld. counsel for the petitioner and Ld. Counsel
for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 2712 of 2019 with Trial
No. 2143 of 2023, registered for the offences punishable under
Sections 498(A) of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is
that the marriage of complainant was solemnized with this
petitioner on 18.06.2018 and after the marriage, due to non-
fulfillment of demand of motorcycle and Rs. 1,00,000/- as



dowry, the accused persons started committing cruelty against the complainant. Moreover, on 15.10.2019 the accused persons ousted the complainant from her in-laws house after snatching her belongings.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation is general and omnibus in nature. He further submits that there is no specific allegation against the petitioner. He also submits that there no reference to any injury report in the complaint.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on



his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate 1st Class, Motihari, in connection with Complaint Case No. 2712 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

9. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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