

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52033 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- FATUA District- Patna

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KUNDAN KUMAR SON OF GOPAL RAUT R/O-GAURI PUNDA, P.S.-
FATUHA, DISTT.-PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 23.01.2023 seeks
bail, in connection with Fatuha P.S. Case No.10/2023, dated
04.01.2023, for the offences punishable under Sections 323,
341, 324, 498(A), 34 of the IPC & Sections 3/4 D.P. Act.

3. According to prosecution case, the petitioner being
the husband of the informant used to beat her and threatened to
kill the child in drunken condition for non-fulfillment of the
demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner 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 from bare perusal of the F.I.R, it appears that the petitioner has never demanded any dowry from the family members of the informant and the the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.01.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one.

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 A.C.J.M.- 1, Patna City, in connection with Fatuha P.S. Case No.10/2023, 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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