

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52283 of 2022

Arising Out of PS. Case No.-721 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Sunil Nayak Son Of Late Digambar Nayak R/O Village- Gaura Bauram Road
Near Masala Mill, P.S.- Biraul, District- Darbhanga

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Kumari Wife Of Sunil Nayak R/O Village - Gaura Bauram Road Near
Masala Mill, P.S.- Biraul, District- Darbhanga, At Present D/O Visnath
Mahto, R/O Mohalla- Narial Bazar, Ward No.-16, P.S.- Madhubani Town,
District- Madhubani, Mobile No. 8873846925

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Gagan Deep Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Vinod Kumar, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Complainant	:	Mr. Aron Kumar Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-05-2023 Learned counsel for the petitioner shall remove the
S.R. defects within two weeks from today.

Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the complainant.

The petitioner in the present case is seeking pre-arrest
bail in connection with Complain Case No. 721 of 2019 in
which cognizance has been taken under Sections 498(A)/34 of
the Indian Penal Code and 4 of the Dowry Prohibition Act. He
has got no criminal antecedent.

As per the prosecution story, on 16.04.2012, the
complainant-opposite party no. 2 was married with this



petitioner as per Hindu rites and rituals. At the time of marriage, the father of the complainant had gave Rs. 5,00,000/- cash and some precious jewelry and gifts. At several occasions after the marriage, the petitioner had demanded cash from the complainant's father which was fulfilled by her father. The petitioner demanded Rs.3,00,000/- from the complainant's family at one time but her family could give only Rs.2,00,000/- for which the petitioner started assaulting the complainant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case.

Learned counsel for the petitioner and learned counsel for the complainant have jointly submitted that the opposite party no. 2 is willing to live with the petitioner.

Having regard to the submissions made on behalf of the parties that they are willing to live together, this Court directs that the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be **provisionally released on bail for a period of six months from today** in connection with Complain Case No. 721 of 2019 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned S.D.J.M., Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Within this period, he will go to his *sasural* and bring back his wife (complainant) and shall keep her with full dignity and care. After a period of six months, if his conduct is found satisfactory, the learned court below shall confirm the bail of the petitioner.

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.

This application stands disposed of accordingly.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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