

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63017 of 2021**

Arising Out of PS. Case No.-771 Year-2020 Thana- PATNA COMPLAINT CASE District-  
Patna

=====

SANTOSH BHAGAT Son of Dewashray Bhagat Resident of Village -  
Ekbalganj Nisharpura, P.S.- Bikram, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Kumari Wife of Santosh Bhagat Daughter of Rameshwar Bhagat,  
Resident of Shantipalli, Raghapur, Purulia, P.S.- Muffasil, District - Purulia,  
State West Bengal, At present residing at West of G.J. College, Bihta, P.S.-  
Bihta, District - Patna

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate  
For the Opposite Party/s : Mr. Shantanu Kumar, APP

=====

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

5      04-10-2023                      Heard Mr. Dhananjay Kumar Tiwary, learned counsel  
  
for the petitioner and Mr. Shantanu Kumar, learned APP for the  
  
State.

2. Despite entered appearance through Vakalatnama,  
no one appears on behalf of the opposite party no. 2.

3. The petitioner is apprehending his arrest  
connection with Complaint Case No. 771(C) of 2020 dated  
01.10.2020 registered for the offences punishable under  
Sections 323, 498(A) of the Indian Penal Code.

4. Petitioner is husband of the complainant.  
  
Allegation is of demand of dowry and torture for the same.



5. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 demanded any dowry from the family members of the complainant.

6. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has demanded dowry from the family members of the complainant and petitioner is husband of the complainant and hence he is the sole responsibility to keep his wife with full dignity and honour and he has demanded dowry from the family members of the complainant.

7. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Danapur, Patna in connection with Complaint Case No. 771 (C) of 2020, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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)**

Ibrar//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

