

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55766 of 2023

Arising Out of PS. Case No.-1175 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Ramakant S/O Lekhadhari Singh R/O Village And P.O- Khajuri, P.S-
Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Neelam Sharma W/O Ramakant, D/O Kamlesh Sharma R/O Sainik Bhawan,
Mohalla- Babhantoli, Mainpura, P.S- Patliputra, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujeet Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Sujeet Kumar Gupta, learned counsel for

the petitioner and Mr. Mritunjay Kumar Nirala, learned

Additional Public Prosecutor for the State.

2. Despite of inter appearance through *Vakalatnama*,
no one appears on behalf of the Opposite Party No. 2.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1175 of 2015, dated
0.03.2015 for the offences punishable under Section 498(A) of
the Indian Penal Code and Section 4 of D.P. Act.

4. According to prosecution case, all the accused
persons including the petitioner have tortured the informant and
ousted her from house due to non-fulfillment of demand of



dowry.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he 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 offences as alleged in the F.I.R. He further submits that in fact, the petitioner is army personnel and he has purchased some land in the name of the complainant who is wife of the petitioner and she has sold the land. He further submits that the petitioner has obtained bank loan for purchase of the said land and the complainant has already filed a divorce case against the petitioner bearing Matrimonial Case No. 516 of 2022.

6. Despite of indulgence granted to learned counsel appearing on behalf of Opposite Party No. 2 on 11.10.2023 and 08.11.2023, he has not filed counter affidavit on behalf of the informant / complainant and today when the matter was called, no one appears on behalf of Opposite Party No. 2.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 1175 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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