

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55394 of 2023

Arising Out of PS. Case No.-1010 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Aniket Bhattacharya Son Of Sapan Kumar Bhattacharya @ Swapan Kumar
Bhattacharya Resident Of Mohalla- Pantnagar, Sri Ram Colony, Road No 2,
P.S- Vishnupad, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari Wife Of Aniket Bhattacharya Resident Of Mohalla-
Pantnagar, Sri Ram Colony, Road No 2, P.S- Vishnupad, District- Gaya
Present At present residing at Mohalla- Dhandhwa Road, Near Krishna ITI,
P.S- Bodhgaya, Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr.Shailesh Kumar,learned counsel for the

petitioner, learned counsel for the informant and Mr.Bhanu

Pratap Singh, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.1010 of 2021 registered
for the offences punishable under Section 498(A) of IPC and
Section 3/4 of D.P.Act.

3. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due



to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition and the petitioner has never demanded any dowry from the family members of the complainant and as per allegation, the petitioner has tried to burn the complainant and asked her that he will perform the second marriage and thereafter the petitioner has kicked out the complainant from the matrimonial home and pursuant to the order of this Court, the matter has sent for mediation but as per report of the Mediator, the mediation has been failed.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the allegation as alleged in the complaint petition is correct and the petitioner has demanded the dowry from the family members of the complainant and mediation has failed due to attitude of the petitioner.

6. Considering the aforesaid facts, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No.1010 of 2021, 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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/her criminal antecedents, 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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