

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56070 of 2023

Arising Out of PS. Case No.-53 Year-2022 Thana- MAHILA P.S. District- Rohtas

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Amit Kumar Seth @ Amit Kumar @ Guddu S/O Madan Prasad Seth Resident
Of Badi Durga Mandir, Chaman Lal Ka Talab, Wad No. 21, Bhabua, Ps.
Bhabua, Dist. Kaimur At Bhabua

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Aarti Devi D/O Krishna Prasad, W/O Amit Kumar Seth Resident Of- Pali
Road, Daga Park, Dehri, Ward No. 22, Ps. Dehri (TOWN), Dist. Rotas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Muneshwar Pd. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2023 Heard Mr. Mithilesh Kumar Singh, learned counsel

for the petitioner, Mr. Muneshwar Pd. Learned counsel
appearing on behalf of the informant as well as and Mr. Anil
Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 53 of 2022, F.I.R. dated
22.08.2022 for the offences punishable under Sections 498A,
342, 323, 406, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including the petitioner tortured the informant due to
non-fulfillment of demand of dowry.

4. 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 the petitioner has never demanded any dowry from the family members of the informant. He further submits that the present F.I.R was instituted in reiteration of the Divorce Case No. 127 of 2022 which was filed by the petitioner on 24.05.2022 and after that the present F.I.R was instituted on 22.08.2022.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R it appears that the petitioner has demanded Rs. 10 lakhs from the informant.

6. 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 Additional Chief Judicial Magistrate, Dehri, Rohtas in



connection with Mahila P.S. Case No. 53 of 2022, 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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