

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56870 of 2023

Arising Out of PS. Case No.-39 Year-2021 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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VISHWANATH GOSHWAMI SON OF BADRI GOSHWAMI RESIDENT
OF VILLAGE- WARISALIGANJ, PS- WARISALIGANJ, DIST- NAWADA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guria Devi Daughter Of Amarnath Goshwami Resident Of Village- Saho Bigha, Ps- Ghosi, Distt- Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar, Advocate
For the Complainant	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Bijendra Kumar, learned counsel for the petitioner, Mr. Manoj Kumar, learned counsel appearing on behalf of the Complainant and Mr. Rajesh Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Complaint Case No. 39 of 2021 dated 23.01.2021 registered for the offences punishable under Section 498(A) of the Indian Penal Code.

3. Petitioner is the husband of the Complainant. Allegation is of demand of dowry and torture physically and mentally for the same.

4. 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 in fact the marriage was performed with the Complainant in the year 2018 and the present complaint petition has been filed in the year 2021 and the allegation as alleged in the complaint petition is false and fabricated and in fact the complainant always tried to pursue the petitioner to live separately from her matrimonial home and the petitioner is not ready for the same on account of the present and false fabricated case been filed against the petitioner and even when the petitioner has been granted interim protection from the Hon'ble Court the complaint had abused the petitioner and handed over to the police and when the petitioner had produced the order of this Hon'ble Court then he was released from custody.

5. Learned counsel appearing on behalf of the Complainant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner.

6. 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 1st Class, Jehanabad in connection with



Complaint Case No. 39 of 2021, 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)

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