

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62004 of 2023

Arising Out of PS. Case No.-676 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Dharmendra Kumar @ Rintu S/O Naresh Pd. Singh @ Bamji R/O Mohalla-
Lalu Path Sorangpur Near Mukhiya Market, Ram Krishna Nagar, P.S- Ram
Krishna Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tinki Kumari W/O Dharmendra Kumar @ Rintu, D/O Late Sudheswar
Singh R/O Village- Alawalpur, P.S- Gaurichak, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
28.07.2023 in connection with Complaint Case No. 676(C) of
2018 in which the cognizance has been taken against the
petitioner and other accused persons under Sections 313, 498(A)
of the IPC and $\frac{3}{4}$ of D.P. Act.

3. According to prosecution case, the petitioner
happens to be husband of the complainant has aborted the
pregnancy of the complainant and also tried to kill her.
Accordingly, the FIR.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. Further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence. In fact the complainant was suffering from HIV positive prior to her marriage and when she was detected with HIV positive, thereafter, the complainant has filed the present complaint petition against the petitioner and their family members. In fact the petitioner has already filed a Matrimonial Case No.679/2018 for dissolution of the marriage and thereafter the present false complaint petition has been filed against the petitioner and their family members and the petitioner has surrendered on 28.07.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 S.D.J.M., Patna City in connection with Complaint Case No. 676(C) of 2018, subject to the 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)

Prakash Narayan

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