

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59470 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- MAHILA P.S. District- Vaishali

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GOPAL KUMAR @ GOPAL KUMAR JHA S/o Anil Jha @ Anil Kumar Jha
R/o Suttam Dwaram ahead to Khopa, P.S.- Phulprash, Distt- Madhubani at
present Ander Kila (Court Par) P.S.- Hazipur Town, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 406, 420, 504, 506/120(b) of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

Informant has alleged that on 27.04.2021 her marriage
was fixed with the one Gopal Kumar (petitioner) posted at
D.R.D.O Lucknow in the year 2019 and a sum of Rs. 7,50,000/-
fixed to give as ornaments, furniture and other expenses. It is
further alleged that Rs. 15,00,000/- as dowry demanded by the
parents of the petitioner. In the meanwhile informant learnt that
Gopal Kumar (petitioner) is not employed with DRDO,
Lucknow thereafter her parents demanded their money and



ornaments back which was not done by them.

Learned counsel appearing for the petitioner submits that he has falsely been implicated in the present case. He further submits that allegation and the FIR are false and fabricated and petitioner has not received any amount as alleged in the FIR. There is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the similar situated co-accused persons have been granted bail by the court below itself and the police after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.06.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two criminal antecedent other than the present one.

Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Hajipur Mahila P.S. Case No. 11 of 2021 with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(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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