

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63067 of 2022

Arising Out of PS. Case No.-1763 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. PINKU RAJAK, S/O RUPAL RAJAK @ RUPAN RAJAK, Resident of Village- Hujurnagar, Pirpanti, P.S.- Pirpanti, District- Bhagalpur.
 2. RUPAL RAJAK @ RUPAN RAJAK, S/O SHALLU RAJAK Resident of Village- Hujurnagar, Pirpanti, P.S.- Pirpanti, District- Bhagalpur.
 3. SAVITA DEVI @ SABITA DEVI, W/O RUPAL RAJAK @ RUPAN RAJAK Resident of Village- Hujurnagar, Pirpanti, P.S.- Pirpanti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SAVITA KUMARI D/O SHIV SHANKAR RAJAK Resident of Chakbhuska, P.S.- Kahalgaon, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pranav Kumar Jha, Advocate
For the State	:	Md. Nazir Ansari, Advocate
For the complainant	:	Dr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 24-04-2023 Heard learned counsel for the parties.

2. The petitioners are apprehending arrest in Complaint Case No. 1763 of 2019, dated 25.09.2019, wherein cognizance has been taken under Sections 323, 354B, 418, 498A and 504 of the Indian Penal Code.

3. The allegation against the petitioners is that they had assured the complainant that they would get their son solemnized into marriage with the complainant. However, it appears that the relations between the son of the petitioners and



the complainant turns out at end and the marriage could not take place. Allegation is also of having demanded dowry. However, there is no marriage which has taken place.

4. In view thereof, learned counsel for the petitioners submits that the petitioners deserve to be granted benefit of pre - arrest bail.

5. Learned counsel for the complainant opposes the prayer of anticipatory bail of the petitioner and submits that the lady was mislead by the son of the petitioners and the petitioners are also responsible.

6. I have considered the submissions. Taking into consideration the fact of the case as noticed above and the role of the petitioners being only of promising of the marriage of the complainant with their son which could not ultimately be materialized, I am inclined to grant pre-arrest bail to the above named petitioners in the event of arrest, subject to the conditions as laid down under Section 438(2) of the Cr. P.C., which are as under:-

I. The petitioner shall cooperate with the investigation and make himself available for interrogation whenever required;

II. The petitioner shall not directly or indirectly



make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

III. The petitioner shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the police;

IV. The petitioner shall maintain law and order;

V. The petitioner shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

VI. The petitioner shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer; and

VII. The petitioner shall regularly remain present during the trial and cooperate the Court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.62

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