

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70973 of 2023**

Arising Out of PS. Case No.-18 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Lalitesh Singh @ Lalitesh Kumar Singh S/O- Late Awadh Bihari Singh R/O-
Vrindavan Co-operative colony, PS- Sarai Thela, District- Dhanbad,
Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari W/O- Rohit Kumar @ Rohit Singh D/O- Niraj Singh R/o-
Bachchappar, PS- Shahkund, District- Bhagalpur, bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 07-11-2023 Heard Mr. Satish Kumar Pandey, learned counsel for

the petitioner as well as Mr. Anil Prasad Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.18 of 2022, complaint
dated 03.01.2022 registered for the offence punishable under
Sections 323, 498A, 504 and 34 of the IPC and $\frac{3}{4}$ of the Dowry
Prohibition Act.

3. The prosecution case, in short, is that the



complainant was married on 17.02.2021 according to Hindu rites and rituals. After sometime of marriage, the petitioner demanded dowry. Further the petitioner used to assault complainant and demanded money and tortured mentally and physically in various ways. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case merely on the ground that the petitioner is father-in-law of the complainant and the son of the petitioner who is husband of the complainant has filed a petition under Section 9 of the Hindu Marriage Act. He further submits that pursuant to the order of restitution of conjugal rite they have tried their best to bring the complainant but she has not ready to come to the house of the petitioner.

5. Learned Additional Public Prosecutor for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner stating that the petitioner is convicted person and from perusal of the complaint petition, it appears that the petitioner obtained warrant in the present occurrence.

6. Considering the aforesaid facts that the petitioner is father-in-law of the complainant and there is no specific



allegation of assault or overt act and there is general and omnibus allegation, 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 anticipatory 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 S.D.J.M., Bhagalpur in connection with Complaint Case No.18 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory 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 antecedents, the court below shall take step for



cancellation of anticipatory 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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