

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64451 of 2022

Arising Out of PS. Case No.-320 Year-2022 Thana- DIGHA District- Patna

Shivam Anand S/o Anand Kumar R/o Choti Balia ward no. 2, P.S.- Balia,
Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Bhardwaj, Advocate
For the Informant	:	Mr. Saket Tiwary
		Mr. Anuraj Singh, Advocates
For the State	:	Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-03-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant and learned APP
for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 406, 420, 500, 354(a),
354(b), 376, 511 and 504/34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant's
marriage was fixed with the accused petitioner and in pursuance
of the same a total sum of Rs. 10,00,000/- was deposited in the
account of the father of the petitioner by the brother of the
informant. It is further alleged by the informant that on
07.03.2022 the engagement was solemnized in which it is
alleged that Rs. 12,00,000/- was the expenditure. It is further



alleged that on 09.03.2022 at 06:00 P.M. the informant is said to have gone with the petitioner in PN Mall and when they returned from there at her home the petitioner made attempt to establish physical relation which was refused by her on which he got angry and tried to force himself on her.

Learned counsel for the petitioner submits that the petitioner carries one more case other than the present one and he has been falsely implicated in the present case. He further submits that the date of alleged occurrence is on 09.03.2022 and the petitioner on that date was working at the Primary Health Centre, Bihariganj, Madhepura. He further submits that the allegation as alleged in the F.I.R. that the informant had deposited Rs. 10,00,000/- (Ten lacs) to the family member of the petitioner for expenditure of marriage/engagement purpose. He further submits that altogether the informant had expended Rs. 12,00,000/- (Twelve lacs) for the above said purpose. Learned counsel for the petitioner further submits that the father of the petitioner has handed over Rs. 10,00,000/- (Ten lacs) by way of demand draft in the court proceeding bearing No. 053381 (Rs. 2,50,000/-) and bearing No. 053382 (Rs. 7,50,000/-) on 17.02.2023 to the informant through her counsel in Cr. Misc. No. 65732 of 2022 (Anand Kumar Vs. The State of



Bihar). Learned counsel for the petitioner further submits that he has also handed over Rs. 2,00,000/- (Two lacs) to the informant in lieu of the expenditure incurred during the engagement. He further submits that the petitioner is in custody since 07.08.2022.

Learned counsel appearing on behalf of the informant fairly submits that the informant has received Total Rs. 12,00,000/- .

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Digha P.S. Case No. 320 of 2022, 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 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 antecedents, 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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