

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69895 of 2022

Arising Out of PS. Case No.-386 Year-2010 Thana- GAYA COMPLAINT CASE District-
Gaya

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Mintu Malakar Son Of Jai Kishore Malakar @ Jai Kishore Malakar R/O
Village- Parwalpur Mayee, P.S.- Parwalpur, District- Naladna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi Wife Of Mintu Malakar R/O Village- Parwalpur Mayee, P.S.-
Parwalpur, District- Naladna, At Present Village- Amethi, P.S.- Wazirganj,
District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Lovekush Kumar, Advocate
For the Informant	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

Petitioner seeks bail, who is in custody since
25.07.2022, in connection with Complaint Case No. 386 of
2010, Complaint Case dated 09.03.2020 registered for the
offences punishable under Sections 498A, 323/34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

According to complaint case, the complainant is
subjected to assault and torture on account of non-fulfillment of
demand of dowry made by the petitioner and his family



members.

Learned counsel for the petitioner submits that earlier the petitioner was granted provisional bail but he had not fulfilled the terms and conditions of the provisional bail and hence his bail bond was cancelled and he was arrested in the present matter. Learned counsel for the petitioner further submits that the allegation as alleged in the F.I.R. is false and fabricated and in fact the informant is not willing to live with the petitioner.

Learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

Considering the 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 Sub-Divisional Judicial Magistrate, Gaya in connection with Complaint Case No. 386 of 2010, subject to 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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