

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70970 of 2023

Arising Out of PS. Case No.-295 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Subodh Rai @ Subodh Kumar S/O Sri Basudeo Rai R/O Village- Kachchi Dargah, P.S- Nadi, Distt.- Patna.
 2. Anita Devi W/O Subodh Rai @ Subodh Kumar R/O Village- Kachchi Dargah, P.S- Nadi, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaytri Devi W/O Late Sunil Rai R/O Village- Kachchi Dargah, P.S- Nadi, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Learned counsel for the petitioners is directed to make necessary correction in paragraph-5 of the petition in course of the day.

2. Heard Mr. Bhola Kumar, learned counsel for the petitioners as well as Md. Fahimuddin, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Complaint Case No.295(C) of 2019, complaint dated 25.04.2019 registered for the offence punishable under Sections 323, 504, 498(A), 406 and 34 of the Indian Penal Code, but the learned court below has taken cognizance against



the petitioner only under Section 498(A) of the Indian Penal Code.

4. The prosecution case, in short, is that the complainant her marriage was solemnized on 11.07.2008 and at the time of marriage four lacs rupees, cash etc. had been given as a gift. After marriage, some time complainant lived well at in-laws house thereafter the accused persons started demanding Rs. Two lacs as a and non fulfillment of the said dowry demand, she started being tortured. In the meanwhile three children were born. Further on 21.04.2019, the accused persons, by snatching all the gifts pushed out of the in-laws house along with the children. Accordingly, the FIR.

5. Learned counsel for the petitioners submit that petitioners have falsely been implicated in the present case. It appears from the complaint petition that there is no specific allegation of assault or demand of dowry is attributed against the petitioners, rather there is general and omnibus allegation against the petitioners. Further submits that the petitioner no.1 is brother-in-law and petitioner no.2 is sister-in-law of the complainant and they have no concern at all with the family affairs of the complainant.

6. Learned APP for the State, on the other hand



vehemently opposed the prayer for anticipatory bail of the petitioners on the ground that petitioner carries criminal antecedents other than the present one, but fairly submits that petitioner is on bail in the pending cases.

7. Considering the aforesaid facts, let the petitioners, above named, in the event of their 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 A.C.J.M., II, Barh, Patna in connection with Complaint Case No.295(C) of 2019 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.



(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. 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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