

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68365 of 2022

Arising Out of PS. Case No.-854 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Chandan Kumar Singh S/O Prabhat Singh Resident of Village- Sapahi, P.S.-
Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi W/O Chandan Kumar Singh Resident of village- Sapahi, P.S.-
Mashrakh, District- Saran at Chapra. At present D/o Suraj Singh, R/o
Village- Ratan Sarai, P.S.- Barauli, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 406, 420, 323, 498A, 406 of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

The prosecution case, in brief, is that the marriage of
the informant namely Asha Devi was solemnized with the
petitioner on 14.03.2014 in accordance with Hindu Rites and
Customs. It is further alleged that for want of Alto car in dowry,
the accused persons used to torture her mentally and physically
and at night of 20.05.2014 they tried to kill her and ousted her
from her matrimonial home.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated but he fairly submits that the petitioner has already solemnized second marriage and then the complainant (first wife) has filed the present case against the petitioner. Learned counsel for the petitioner outrightly submits that the petitioner is ready to give Rs. 5,000/- per month to the complainant, namely, Asha Devi till the disposal of the present case and if the complainant has filed maintenance case then subject to the outcome of the maintenance case.

Learned APP for the State submits that he has no objection in this regard.

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 Court below where the case is pending in connection with Complaint Case No. 854 of 2017, Trial No. 992 of 2022, with the following conditions :-

- (1) The petitioner shall deposit Rs. 5,000/- by way of



demand draft in favour of the complainant, namely, Asha Devi at the time of furnishing bail bond and he will pay Rs. 5,000/- per month in the bank account of the complainant, namely, Asha Devi in the last week of every month till the disposal of the present case/maintenance case, if filled by the complainant.

If the petitioner fails in depositing the same, the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(2) 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.

(3) 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.

(4) 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.

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(Rajesh Kumar Verma, J)

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