

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64162 of 2019**

Arising Out of PS. Case No.-67 Year-2019 Thana- BHAGALPUR COMPLAINT CASE  
District- Bhagalpur

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SURAJ RAJ S/o Shri Nageshwar Tiwari Resident of Shukla Colony Hinoo,  
P.S.- Doranda, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumar Purnima Bharti W/o Suraj Raj Currently residing at Village- Ganaul,  
P.S.- Bihpur, District- Bhagalpur.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                           |
|--------------------------|---|---------------------------|
| For the Petitioner/s     | : | Mr.Harsh Singh, Advocate  |
| For the Opposite Party/s | : | Mr.Choubey Jawahar, APP   |
| For the Complainant      | : | Mrs. Bela Singh, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

10    05-10-2023                      Heard    Mr.Harsh Singh, learned counsel for the  
  
petitioner, Mrs. Bela Singh, learned counsel for the complainant  
  
and Mr.Choubey Jawahar, learned Additional Public Prosecutor  
  
for the State.

2. The petitioner is apprehending his arrest in  
connection with Complaint Case No. 67 of 2019 registered for  
the offence punishable under Sections 494/34 and 498-A/34 of  
IPC.

3. Allegation against the petitioner and other co-  
accused persons is of committing torture upon the victim due to  
non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. Further submits that during pendency of this anticipatory bail petition, the complainant has filed a Maintenance Case before the court of learned Principal Judge, Family Court, Bhagarpur bearing Maintenance Case No. 07 of 2020 in which the learned court has directed the petitioner to pay Rs.20,000/- per month as interim maintenance from the month of October, 2023.

5. Learned counsel for the complainant, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has always tried to mislead the court in all the proceedings but fairly submits that the petitioner may give the privilege of anticipatory bail with a condition that the petitioner may honour the order of the learned Family Court.

6. Considering the aforesaid facts, 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 bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned J.M.-1st Class, Naugachia in connection with Complaint Case No. 67 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) The petitioner shall pay the ad interim maintenance of Rs.20,000/- by way of demand draft in favour of the complainant at the time of furnishing bail bond and the learned court below is directed to hand over the said demand draft to the complainant or her representative.

(II) The petitioner shall pay the ad interim maintenance of Rs.20,000/- by way of demand draft or RTGS mode to the complainant who is wife of the petitioner every month till the final adjudication by the competent court or final order passed in Maintenance Case, if the petitioner fails to pay the ad interim maintenance to the complainant any month, the complainant shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioner.

(III) 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, her bail bonds shall be cancelled by the Court below.

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

(V) 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)**

Nitesh/-

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