

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74077 of 2022

Arising Out of PS. Case No.-1564 Year-2018 Thana- COMPLAINT CASE District- Araria

Santosh Kumar Sah, S/o Prahlad Sah, R/o village- Bairgachhi, P.S.- Araria
(Bairgachhi), Distt- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi D/o Pramod Kumar Sah, W/o Santosh Kumar Sah R/o Village-
Baluwa Kaliyaganj, P.S.- Palasi, Distt- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Rana, Advocate
For the State	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr. Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No.1564C of 2018 registered for the offences punishable under Sections 323, 341, 493, 498A, 379 and 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He has one criminal antecedent in which he is on bail as stated in paragraph '3' of the application.

As per the prosecution story, the allegation against the petitioner is that he had demanded Rs.5,00,000/- as dowry from his wife and for non-fulfillment of the same, he started torturing



his wife along with other family members.

Learned counsel for the petitioner submits that the petitioner is ready to hand over a bank-draft of Rs.2,11,000/- to the informant-opposite party no.2 in terms of the settlement as per Annexure- '2' at the time of his surrender in the learned court below.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, considering the submission of learned counsel for the petitioner that in terms of the settlement as per Annexure- '2' the petitioner shall hand over a bank-draft of Rs.2,11,000/- to the informant-opposite party no.2 at the time of his surrender in the learned court below and there being no objection to the same by learned counsel for the opposite party no.2, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No.1564C/2018 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that while filing his surrender application with the bail bond, the petitioner shall hand over the bank-draft to the informant or her counsel as the case may be.

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 antecedent, 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

