

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75375 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- RAJGIR District- Nalanda

RAJAT BIBHUTI Son of Rajendra Bibhuti R/O Village - Ramdhanpur, P.S.-
Kotwali, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Kumari Daughter of Mahesh Prasad R/O Mohalla - Bus Stand, Krishna Colony, Rajgir, P.S.- Rajgir, District - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 21.08.2022, in connection with Rajgir P.S. Case No. 13/2022, corresponding to G.R. No.206/2022, F.I.R. dated 08.01.2022, for the offences punishable under Sections 323, 341, 504, 506, 498A/34 of the Indian Penal Code and Sections 3/4 of D.P. Act.

According to prosecution case, there is allegation against the petitioner that he along with other family members assaulted and stopped meal to the informant due to non-fulfillment of the demand of dowry.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the



present case. He further submits that earlier the informant has also filed a case against the petitioner for the same allegation. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation against the petitioner and the petitioner is husband of the informant. He further submits that the petitioner has already filed a matrimonial case, under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights and it appears from the impugned order itself that the matter was referred to the Mediation Centre, in which the informant is not ready to live with the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.08.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one as per para-3 of the supplementary affidavit.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Rajgir P.S. Case No. 13/2022, 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 witnesses, 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 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.

(Rajesh Kumar Verma, J)

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