

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18995 of 2024

Arising Out of PS. Case No.-665 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. Laxman Singh S/o Late Ram Narayan Singh
 2. Kasturba Devi W/o Laxman Singh.
Both R/V - Akhleshpur, P.S. - Bhabua, Dist. - Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushila Kumari W/o Akhilesh Kumar Maurya R/V - Akhleshpur, P.S. -
Bhabua, Dist. - Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr.Rakesh Kumar Mishra, learned counsel

for the petitioners and Mr.Md. Matloob Rab, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No.665 of 2022, registered for the offences punishable under Sections 498(A), 406,323,506,120(B) of IPC but the learned court below has taken cognizance against the petitioners only under Section 498A of IPC.

3. Allegation against the petitioners 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 petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are in-laws of the complainant. Learned counsel for the petitioners submits that from a bare perusal of the complaint petition as well as the S.A. of the complainant it appears that there is no specific allegation of any assault, overt-act or demand of dowry rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault, overt-act or demand of dowry is attributed against the petitioners, 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 bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Mohania, Kaimur in



connection with Complaint Case No.665 of 2022, 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 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 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)

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