

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25020 of 2024

Arising Out of PS. Case No.-3407 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

=====

Abhishek Kumar Son of Surendra Singh Village- Delho Ps -madhuban
District- East Champaran At Present Ayachi Gram Near Bairiya Bus Stand
Road No 2 Ahiyapur District Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Wife of Abhishek Kumar Resident of Village- Parmanandpur,
Ps- Lalganj, Dist- Vaishali

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP
For the Complainant	:	Mr. Gopesh Raj, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Ganesh Prasad Singh, learned counsel

for the petitioner, Mr. Gopesh Raj, learned counsel appearing on

behalf of the complainant as well as Mr. Suresh Prasad Singh,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 3407 of 2022 for the
offences punishable under Sections 498(A)/34 of the Indian
Penal Code and Section 4 of the Dowry Prohibition Act.

3. According to prosecution case, all the accused
persons including the petitioner have tortured and assaulted the
complainant due to non-fulfillment of demand of dowry.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the ground that the petitioner is the husband of the complainant. He further submits that it appears from the complaint petition that the allegation against the petitioner is that he has assaulted the complainant due to she received injury but there is no medical report available on record which suggest that the complainant has received any injury. He further submits that the learned Court below has sent the matter in mediation centre where both the parties appeared but the complainant refused to live with the petitioner and thereafter, the complainant has filed the another case bearing Muzaffarpur Mahila P.S. Case No. 10 of 2024 under Section 341, 323, 498(A), 379, 504, 506/34 of the Indian Penal Code against the petitioner and his family members.

5. The learned counsel appearing on behalf of the Complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned sub Judge VI, Additional Chief Judicial Magistrate V, Vaishali at Hajipur in connection with Complaint Case No. 3407 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. 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.

ii. 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.

iii. 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)

Vanisha/-

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

