

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38656 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- DAWATH District- Rohtas

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Anuj Kumar Son of Ashok Singh @ Ashok Kumar @ Sikandar Singh
Resident of Village- Ram Nagar @ Rampur, P.S.- Dawath, Dist.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Wife of Anuj Kumar, Daughter of Brij Kishore @ Dharmendra Singh Resident of Village- Uttardaha, P.O.- Manudihari, P.S.- Tiyar, Dist.- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-12-2024 Heard Mr.Jitendra Kumar Giri, learned counsel for the petitioner, learned counsel for the informant and Mr.Narsingh Tanti, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dawath P.S. Case No.228 of 2023, dated 18.11.2023 registered for the offences punishable under Sections 341,323,325,498(A),504,506,34 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 appearing for the petitioner



submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. Vide order dated 06.09.2024, the matter was referred to the Mediation Centre for settlement of dispute between the parties but the report of the Mediator dated 21.10.2024 reveals that in spite of best efforts, the dispute between the parties could not be resolved.

6. Learned counsel for the petitioner, on instruction, submits that the petitioner is ready to pay Rs. 10,000/-per month for maintenance to the informant and her children by way of demand draft subject to the final outcome of the maintenance case, if any.

7. Learned counsel for the informant has no objection in this regard.

8. Considering the aforesaid facts and petitioner has clean antecedent, 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 A.C.J.M., Bikramganj, Rohtas in connection with Dawath P.S. Case No.228 of 2023, 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 deposit Rs.10,000/- by way of demand draft in favour of the informant at the time of furnishing bail bond for the month of December, 2024 and the learned court below is directed to hand over the said demand draft to the informant or her representative. Petitioner shall deposit the receipt of the demand draft per month in the learned court below. If the petitioner fails to pay the aforesaid monthly maintenance amount, the informant shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioner.

(II) 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(III) 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.

(IV) 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/her 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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