

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38366 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

=====

Mukesh Vishwas @ Mukesh Kumar Son Of Sri Anirud Vishwas Resident Of
Village- Kadam Toli, Islampur, Ps- Amour, District- Purnea ... Petitioner/s
Versus

1. The State of Bihar
 2. Rubi Devi Daughter Of Sri Ramdin Mandal Resident Of Village- Kharhaiya,
Ward No. 14, Ps- Amour, District- Purnea
- Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-01-2024 Heard Mr. Amit Kumar Anand, learned counsel for the

petitioner and Mr. Rajendra Singh, learned Additional Public

Prosecutor for the State.

2. Vide order dated 19.08.2023 a notice was issued to
Opposite Party No. 2 but the office has reported that the same was
received by the brother of the Opposite Party No. 2 and the petitioner
has filed a supplementary affidavit stating therein that the Opposite
Party No. 2 resides with her brother who has received the notice.

3. In view of the aforesaid, the notice served upon the
Opposite Party No. 2 is deemed to be validly served.

4. The petitioner is apprehending his arrest in connection
with Complaint Case No. 70 of 2022, complaint case dated
11.01.2022 for the offences punishable under Sections 498A of the
Indian Penal Code.

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



6. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. In fact, the petitioner has filed Matrimonial Case No. 130 of 2021 in the Court of Principal Judge, Family Court, Purnea under Section 13 of the Hindu Marriage Act. And when the Opposite Party No. 2 received notice about the said case then she has filed the present complaint petition against the petitioner with ulterior motive only to harass the petitioner. He further submits that from perusal of the complaint petition it appears that she has alleged that the petitioner along with his family members have assaulted her but the learned Court below has taken cognizance against the petitioner only.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. 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 Judicial Magistrate 1st Class, Purnea in connection with Complaint Case No. 70 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	
---	--	---	--

