

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44220 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- MAHILA PS District- Gopalganj

Aman Kumar S/o Late Radhasaran Giri R/o Village- Dumariya, P.S.-
Mohammadpur, Dist-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Sujata W/o Aman Kumar, D/o Priti Narayan Giri R/o Village-
Dumariya, P.S.- Muhammadpur, Dist-Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul Kumar, Advocate Mr. Rajesh Ranjan, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Opposite Party No. 2	:	Mr. Saurav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2024 Heard Mr. Anshul Kumar, learned counsel for the

petitioner, Mr. Saurav Kumar, learned counsel appearing on

behalf of the Opposite Party No. 2 as well as Mr. Binod Kumar,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 23 of 2023, F.I.R. dated
17.06.2023 for the offences punishable under Sections 341, 323,
498(A), 406, 504, 506/34 of the Indian Penal Code and Section
3/4 of the Dowry Prohibition Act, 1961.

3. According to prosecution case, all the accused
persons including this petitioner have assaulted the Opposite
Party No. 2 due to non fulfillment of demand of dowry. It is



further alleged that the petitioner want to give divorce to the Opposite Party No. 2 and want to solemnize second marriage in order to take handsome amount of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact the petitioner was working in the U.S.A and the informant wants to go with him but the petitioner is not in a position to take the informant with him and due to some ulterior motive, the present case has been lodged against the petitioner and other accused persons.

5. Learned counsel for the petitioner on instruction submits that the petitioner is ready to pay Rs. 20,000/- (Twenty thousand only) per month to the Opposite Party No. 2 in her Bank Account No. 21810110088753, IFSC Code-UCBA0002181 till the disposal of the maintenance case (if any filed by the petitioner).

6. Learned counsel for the Opposite Party No. 2 on instruction submits that the Opposite Party No. 2 is ready to accept the aforesaid offer of the petitioner as interim



maintenance, till the outcome of the maintenance case (if any).

7. Learned counsel for the Opposite Party No. 2 further submits that the petitioner has sold his house in the year 2022.

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 Sub Divisional Judicial Magistrate, Gopalganj in connection with Mahila P.S. Case No. 23 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 furnish a demand draft of Rs. 20,000/- (Twenty thousand only) in favour of the Opposite Party No. 2, namely, Kumari Sujata and the same shall be deposited at the time of furnishing bail bond and the learned Court below is directed to hand over the said demand draft to the Opposite Party No. 2 and the petitioner shall deposit the maintenance amount on the first week of every month in the bank account of the Opposite Party No. 2 and if the petitioner fails to pay the



maintenance amount as prescribed above, then the Opposite Party No. 2 is at liberty to file an application before the learned Trial Court for cancellation of his bail bond.

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 absence on two consecutive dates without sufficient reason, his 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 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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