

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37530 of 2023

Arising Out of PS. Case No.-805 Year-2022 Thana- MUNGER COMPLAINT CASE
District- Munger

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Ajay Kumar Son of Arvind Kumar Resident of village - Chhoti Lagma, P.S. -
Dharhara, Distt. - Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nibha Kumari wife of Ajay Kumar, daughter of Sattan Mahto resident of
village- Maharna, Police Station- Dharhara, District- Munger,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-01-2024 Heard Mr. Parmanand Pd. Nr. Sahi, learned counsel

for the petitioner and Ms. Gulnar Begum, learned Additional

Public Prosecutor for the State.

2. Pursuant to the order dated 22.08.2023, a notice
was issued to the Opposite Party No. 2 by both process which
has been duly received by the father of the Opposite Party No. 2
and the petitioner has filed a jointness petition that she is living
with her father.

3. Despite of that, she has not chosen to appear before
this Hon'ble Court.

4. The petitioner is apprehending his arrest in
connection with Complaint Case No. 805C of 2022, Complaint
petition dated 27.07.2022 for the offences punishable under



Sections 323, 341, 494, 498A/34 of the Indian Penal Code.

5. According to prosecution case, all the accused persons including the petitioner have tortured the complainant 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 merely on the ground that he is the husband of the complainant. He further submits that from bare perusal of the complaint petition it appears that there is no specific allegation rather there is general and omnibus allegation against the petitioner and it has come during investigation that the complainant has performed marriage with one Vikash Kumar S/O Balbhadra Mahto.

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, Munger in connection with Complaint Case



No. 805C 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)

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