

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40461 of 2024

Arising Out of PS. Case No.-17 Year-2023 Thana- RUDRAPUR District- Madhubani

Rajendra Kamat @ Nepali Son Of Krishna Kamat R/O- Village- Jalsain, P.S.-
Rudrapur, District- Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Gagandeo Yadav, learned counsel for the
petitioner and Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Rudrapur P.S. Case No. 17 of 2023, F.I.R. dated
21.02.2023 for the offences punishable under Sections 341, 323,
498(A) and 34 of the Indian Penal Code and Section 3/4 of the
D.P. Act.

3. According to prosecution case, on 06.05.2018 the
informant had solemnized the marriage with Raushan Kumar
Kamat who was doing job at Calcutta and had solemnized
another marriage. As per Panchayati she was staying at her
matrimonial house with her son. But, on 18.02.2023 petitioner
along with co-accused persons ousted her from her matrimonial
house after assaulting her and they also demanded Rs.50,000/-
and they said that if she will bring Rs. 50,000/- from her parent



then only she can stay at her matrimonial house.

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 from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act or demand of dowry against the petitioner rather general and omnibus allegation attributed against all the accused persons including the petitioner. He further submits that the petitioner has been made accused in the present case merely on the ground that he is the father-in-law of the informant.

5. Learned Additional Public Prosecutor for the State, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent and there is no specific allegation of any assault or overt act or demand of dowry is attributed against the petitioner, 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, Jhanjharpur, Madhubani in connection with Rudrapur P.S.
Case No. 17 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 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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