

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41915 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Sunil Kumar son of Sogarath Rai @ Ram Sawarath Ray Village- Jitwarpur
Nizamat W.No-4, Ps- Samastipur Muffasil Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, D/o Ramashish Rai, Resident of Village- Korbaddha, P.S. Samastipur Muffasil, District- Samastipur, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhav Kumar, Advocate
For the Informant	:	Mr. Braj Kishore Sharma, Advocate
For the State	:	Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-10-2024 Heard Mr. Madhav Kumar, learned counsel for the petitioner, Mr. Braj Kishore Sharma, learned counsel appearing on behalf of the Complainant and Mr. Madhura Nand Jha, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Complaint Case No. 118 of 2023, dated 20.01.2023 registered for the offences punishable under Sections 323, 377, 307, 374, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act but the cognizance has been against the petitioner only under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Petitioner is husband of the informant. Allegation



is of demand of dowry and torture for the same.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the ground that the petitioner is the husband of the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned counsel for the Complainant/Opposite Party No. 2 outrightly submits that in view of the nature of allegation in the Complaint petition, the complainant is not ready to live with the petitioner.

6. Learned counsel for the petitioner on instruction submits that the petitioner is ready to pay Rs. 3,000/- per month to the Complainant/Opposite Party No. 2 as a maintenance till the disposal of the Maintenance Case, if any. The Bank details is as follows:

Complainant : Soni Kumari

Bank Account No. 156701000003167

IFSC Code- IOBA0001567

Bank Name- Indian Overseas Bank

7. Learned counsel for the Complainant/Opposite Party No. 2 has no objection in this regard.



8. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur in connection with Complaint Case No. 118 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) The petitioner shall deposit Rs. 3,000/- by way of demand draft in favour of the Complainant/Opposite Party No. 2 at the time of furnishing bail bond and the learned Court below is directed to hand over the same in favour of the Complainant or his representative and the petitioner shall pay Rs. 3,000/- per month regularly to the Complainant/Opposite Party No.2 in her Bank account and if the petitioner fails to pay the aforesaid maintenance amount to the Complainant/Opposite Party No. 2, the Complainant/Opposite Party No. 2 shall be at liberty to move before the learned Court below for cancellation of the 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 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 witness, 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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