

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48153 of 2023

Arising Out of PS. Case No.-150 Year-2021 Thana- KOPA District- Saran

Sonu Kumar @ Sonu Kumar Gupta S/O Gobardan Prasad, R/O Village-
Tandi, P.S- Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ashok Kumar S/O Mahajan Sah, R/O Village- Kopa, P.S- Kopa, Distt.-
Saran at Chhapra.
3. Babita Kumari D/O Ashok Kumar, R/O Village- Kopa, P.S- Kopa, Distt.-
Saran at Chhapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Srivastava, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-03-2024 Heard Mr. Abhishek Kumar Srivastava, the learned
counsel for the petitioner and Mr. Nityanand, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kopa PS Case No. 150 of 2021, FIR dated
24.08.2021, registered for the offences punishable under Sections
323, 341, 342, 379, 498-A and 504 read with Section 34 of the
Indian Penal Code and under Section 3/4 of DP Act.

3. According to prosecution case, the daughter of the
informant was regularly tortured and was later ousted from her
matrimonial home by her in-laws over non-fulfillment of dowry



demand.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled against him in the FIR is false and fabricated and he has not committed any such offence as alleged in the FIR. He further submits that during the pendency of the bail petition, both the parties have entered into a compromise and as per the compromise, the petitioner has already paid Rs. 5,00,000/- (Rupees five lakhs) to the Opposite Party No. 3 and he has already deposited Rs. 500000/- (Rupees five lakhs) before the learned trial Court and after obtaining necessary formalities, the said amount be handed over to the Opposite Party No. 3.

5. Opposite Party No. 2 and Opposite Party No. 3 have no objection and they have supported the contentions of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and both the parties have entered into a compromise, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 , where the case is pending in connection with **Kopa PS Case No. 150 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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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