

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58466 of 2024

Arising Out of PS. Case No.-63 Year-2019 Thana- MAHILA PS District- Darbhanga

Surendra Yadav @ Sunil Yadav Son of Late Mohan Yadav R/o Village and P.O. and P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi W/o Surendra Yadav @ Sunil Yadav At Present residing at Village and P.O. and P.S.- Baheri, Dist.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namita Sharma, Advocate
	:	Mr. Anshu Dhar Sharma, Advocate
For the State	:	Mr. Surendra Kumar, APP
For the Informant	:	Mr. Gagan Deo Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2024 Heard Mrs. Namita Sharma, learned counsel for the petitioner and Mr. Gagan Deo Yadav, learned counsel for the informant as well as Mr. Surendra Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 03.05.2024, in connection with Mahila P.S. Case No. 63 of 2019 registered for the offence under Sections 323, 406, 498(A), 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. Allegation against the petitioner is of committing torture upon the victim in association with his family members for non-fulfilment of demand of dowry and of ousting her out of



the matrimonial house.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The petitioner is rotting in judicial custody since 03.05.2024.

5. Learned counsel for the informant as well as learned A.P.P. for the State, on the other hand, opposed the prayer for bail of the petitioner and submits that the petitioner is husband of the informant and there is allegation against the petitioner that he has demanded one motor-cycle and cash of Rs. 1,00,000/- from the family members of the informant and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned S.D.J.M., Darbhanga in connection with Mahila P.S. Case No.



63 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

ajay/-

U		T	
---	--	---	--

