

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64375 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- BASOPATTI District- Madhubani

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Raja Ram Thakur Son Of Prabhu Thakur Resident Of Village - Patauna, P.S. -
Basopatti, Distt. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Devi Wife of Dipak Sharma Resident of village - Patauna, P.S. -
Basopatti, Distt. - Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhavesh Kumar Sah, Advocate
For the State	:	Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-03-2024 Heard Mr. Bhavesh Kumar Sah, learned counsel for

the petitioner and Mr. Nagendra Prasad, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Basopatti P.S. Case No. 94 of 2022, F.I.R. dated
08.05.2022 for the offences punishable under Sections 323, 341,
379, 354(B), 308, 498(A), 504 and 34 of the Indian Penal Code
and Section 3/4 of the D.P. Act.

3. According to prosecution case, allegation against
the petitioner and other co-accused persons is of committing
torture upon the victim due to non-fulfillment of the demand of
dowry.

4. 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 petitioner is father-in-law of the informant. 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 rather there is general and omnibus allegation against all the accused persons including against the petitioner. 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.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that petitioner having clean antecedent and he is father in law of the informant, 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, Madhubani in connection with Basopatti P.S. Case No. 94 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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