

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62893 of 2023

Arising Out of PS. Case No.-659 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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Kundan Kumar S/O- Raj Kishore Prasad Mohalla- Ekangardih In Front Of
Dargah Ps- Ekangarsarai Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Monika Devi wife of Late Ravi Kant Kumar Mohalla- Ekangardih in front
of Dargah Ps- Ekangarsarai Dist- Nalanda At present Nandgola Ps-
Malsalami Dist- patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the State : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Vide order dated 16.10.2023, notice was issued to

opposite party no.2. Despite valid service of notice upon

opposite party no.2 no-one appears on behalf of opposite party

no.2.

2. Heard Mr. Anil Kumar Singh, learned counsel for
the petitioner and Mr. Damodar Prasad Tiwary, learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 659C of 2020 for the
offences punishable under Sections 498A, 376, 511, 354 and
354B of the Indian Penal Code and Section 3/4 of the D.P. Act
but the learned Court below has been pleased to take cognizance
under Section 498A and 354 of the Indian Penal Code and



Section 3/4 of the D.P. Act.

4. According to prosecution case, petitioner along with other co-accused person is said to have tortured the complainant after the death of her husband.

5. 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 the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. He further submits that the petitioner is brother-in-law of the complainant. He further submits that the complainant has filed the present complaint petition only to pressurize the petitioner to marry with her.

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

7. Considering the aforesaid facts and circumstances, 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, Patna City, Patna in connection



with Complaint Case No. 659C of 2020, 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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