

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59342 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- MAHILA P.S. District- Siwan

BAIBHAV RAJ @ VAIBHAW RAJ @ CHAND S/O LATE UPENDRA KUMAR SINGH R/O VILLAGE- AMLORI, PS. MUFASSIL, DIST. SIWAN, PRESENTLY RESIDING AT SMQ 63/01, AIR FORCE STATION, SINGARSI, PS. LITTIPARA, DIST. PAKUR (JHARKHAND)

... .. Petitioner/s

Versus

1. The State of Bihar
2. MADRI W/O BAIBHAV RAJ, D/O AJAY KUMAR R/O VILLAGE-AYODHYAPURI SRINAGAR, PS. MUFFASIL, DIST. SIWAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Informant	:	Mr. S. Azeem, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-09-2024 Heard Mr. Shashank Shekhar, learned counsel for the petitioner, Mr. S. Azeem, learned Counsel for the informant and Mr. Akshay Lal Pandit, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Mahila Police Station Case No. 23 of 2023, F.I.R. dated 31.05.2023 registered for the offences punishable under Sections 341, 323, 498(A), 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant solemnized the marriage with the petitioner in the year 2021 and thereafter she was being tortured by the petitioner and the other



co-accused persons due to non-fulfillment of demand of dowry. Lastly, the petitioner ousted her from the house by assaulting her.

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 husband of the informant and 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. He further submits that the opposite party no. 2 (informant) is not ready to live with the petitioner on the ground that the petitioner has filed Matrimonial (Divorce) Case No. 88 of 2023 before the Family Court, Siwan on 28.03.2023 and then the opposite party no. 2 has come to know the aforesaid development she has filed the present false case against the petitioner on 31.05.2023 only to harass the petitioner.

5. Learned Counsel for the petitioner further submits that apart from that the Opposite Party No. 2 has also approached the employer of the petitioner and on his request, the employer has deducted Rs. 11,800/- in favour of the opposite party no. 2 (informant) from the salary of the petitioner. The aforesaid amount is credited every month in the account of the



opposite party no. 2 from 26.04.2023.

6. Learned APP for the State and the informant, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. 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 Sub-Divisional Judicial Magistrate, Siwan in connection with Mahila Police Station Case No. 23 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) 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.

(3) 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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