

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61416 of 2023

Arising Out of PS. Case No.-1690 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Niraj Kumar Son Of Kapildeo Prasad Resident Of Village And Po
-BHADEJI, Ps- Muffasildist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Kumari Daughter Of Amrit Prasad Resident Of Village- Punawan,
Ps- Bajiranj, Distt- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-03-2024 Despite of valid service of notice, nobody appears on
behalf of the O.P. No.2.

2. Heard Mr. Umesh Kumar, learned counsel for the
petitioner and Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1690 of 2022 for the
offences punishable under Section 498(A) of the Indian Penal
Code.

4. 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.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case in fact that petitioner has never performed the marriage with the O.P. No.2. 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, in fact father of the petitioner has filed an Informatory Petition No. 545 of 2021 dated 20.02.2021 before the Chief Judicial Magistrate, Gaya against the complainant and her father.

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, Gaya in connection with Complaint Case No. 1690 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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