

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61757 of 2023**

Arising Out of PS. Case No.-27 Year-2022 Thana- MAHILA PS District- Aurangabad

Shiv Pujan Sao Son Of Late Krishna Sao Resident Of Village- Pirwa, P.S.-  
Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gudiya Devi Wife Of Pujan Sao Resident Of Village- Pirwa, P.S.- Salaiya,  
District- Aurangabad (BIHAR)

... .. Opposite Party/s

**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Aman Vishal, Advocate       |
| For the State        | : | Mr. Bharat Lal, APP             |
| For the Informant    | : | Mr. Ashok Kumar singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      05-03-2024                      Heard Mr. Aman Vishal, learned counsel for the  
  
petitioner, Mr. Ashok Kumar Singh, learned counsel for the  
  
Informant and Mr. Bharat Lal, learned Additional Public  
  
Prosecutor appearing on behalf of the State.

2. The petitioner is apprehending his arrest in  
connection with Aurangabad Mahila P.S. Case No. 27 of 2023,  
F.I.R. dated 12.07.2022 for the offences punishable under  
Sections 341, 323, 504, 506 and 498A of the Indian Penal Code  
and Sections 3, 4 of the D.P. Act.

3. According to prosecution case, on non-fulfillment  
of the demand of dowry, the petitioner along with other co-  
accused persons is said to have tortured and also assaulted the



informant.

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 the petitioner is husband of the O.P. No.2. Learned counsel for the petitioner further submits that O.P. No.2 has filed a Maintenance Case no. 122 of 2022 before the Family Court, Aurangabad and according to an agreement between the parties in the aforesaid maintenance case, the petitioner is already paying Rs. 10,000 (Rupees Ten Thousand) per month to the O.P. No.2, namely, Gudiya Devi, who is wife of the petitioner for her maintenance.

5. Learned counsel for the O.P. No.2 submits that O.P. No.2 has received Rs.10,000/- (Rupees Ten Thousand) on 02.04.2024.

6. 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 Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Aurangabad Mahila P.S. Case No. 27 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 comply with the compromise which was executed in the Maintenance Case No. 122 of 2022 between the parties and according to the aforesaid the petitioner is already paying Rs10,000/- (Rupees Ten Thousand) per month to the O.P. No.2 in her bank account. If the petitioner fails to pay any installment amounting Rs.10,000/-(Rupees Ten Thousand) in the account of O.P. No.2, the O.P. No.2 shall be at liberty to move before the appropriate forum for the cancellation of the bail bond of the petitioner.

ii 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.

iii. 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.

iv. 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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