

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64276 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- BAIRIYA District- West Champaran

Rohit Chaudhary Son Of Dudhnath Chaudhary Resident Of Vilage- Siswa Saraiya, Ps- Bariya, Dist- West Champaran Petitioner/s
Versus

1. The State of Bihar
2. Maya Devi Wife Of Rohit Chauhary Resident Of Vilage- Siswa Saraiya, Ps- Bariya, Dist- West Champaran At Present Residing At Village- Dhabelwa, Ps- Yogapatti, Dist- West Champaran
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Despite of validly served notice upon the Opposite
Party No. 2, no one appears on behalf of the Opposite Party No.
2.

2. Heard Mr. Anant Kumar Mishra, learned counsel
for the petitioner and Mr. Sanjay Kumar, learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 2960C of 2022, F.I.R.
dated 01.01.2023 for the offences punishable under Sections
323, 504, 498A and 34 of the Indian Penal Code and Section 3/4
of the Dowry Prohibition Act.

4. According to prosecution case, all the accused
persons including the petitioner have tried to burn alive the
informant due to non-fulfillment of 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. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that he has made accused only on the basis of the fact that he is the husband of the informant. He further submits that it appears from the F.I.R that the first date of occurrence is 28.11.2021 and second date of occurrence is 17.12.2021 but the complaint has been instituted on 21.12.2022 i.e. after delay of more than one year without giving any explanation of the said delay.

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

7. Considering the aforesaid facts and circumstances that despite validly served notice, Opposite Party No. 2 has not chose of appear before the Hon'ble Court and the petitioner has clean antecedent, 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, Bettiah, West Champaran in connection with Complaint Case No. 2960C 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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