

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63029 of 2023

Arising Out of PS. Case No.-255 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Umesh Prasad S/O Harishankar Prasad R/O Village- Rusi Bhairwan, P.S-
Daudpur, Distt.- Saran, Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Punam Devi W/O Umesh Prasad R/O Village- Rusi Bhairwan, P.S- Daudpur,
Distt.- Saran, Chapra. Mob No. 7644897029.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP
For the Complainant	:	Mr. Bijay Prakash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Krishna Kumar Yadav, learned counsel

for the petitioner, Mr. Bijay Prakash Singh, learned counsel
appearing on behalf of the complainant as well as and Mr. Anil
Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 255 of 2022 for the
offences punishable under Section 498(A) of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

3. According to prosecution case, all the accused
persons including the petitioner have assaulted the complainant
due to non-fulfillment of demand of dowry.

4. 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 offences as alleged in the complaint petition. He further submits that the petitioner is ready to pay Rs. 5,000/- per month to the complainant who is wife of the petitioner, namely, Punam Devi for her maintenance.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

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 Sub Divisional Judicial Magistrate, Siwan in connection with Complaint Case No. 255 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 furnish a demand draft of Rs.



5,000/- in favour of the complainant, namely, Punam Devi and the same shall be deposited at the time of furnishing bail bond and the learned Court is directed to hand over the said demand draft to the complainant or her representative and the petitioner shall also undertake to pay Rs. 5,000/- per month to the complainant in her bank account as a maintenance. If the petitioner fails to comply the aforesaid direction then the complainant has liberty to move before the appropriate forum for 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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