

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65016 of 2023

Arising Out of PS. Case No.-329 Year-2020 Thana- COMPLAINT CASE District- Banka

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DURGA MURMU SON OF KERA MURMU VILLAGE- NAGPUR,
JAMUNIYA, PO- JAMUNIYA, PS- MOHANPUR, DIST- DEOGHAR
(JHARKHAND)

... .. Petitioner/s

Versus

1. The State of Bihar
2. ROSHMANI HANSDA WIFE OF DURGA MURMU VILLAGE-
NAGPUR, JAMUNIYA, PO- JAMUNIYA, PS- MOHANPUR, DIST-
DEOGHAR (JHARKHAND). A/P DAUGHTER OF MUNILAL HANSDA,
RESIDENT OF VILLAGE- MURLIKEN, PO- KADHAR, PS- JAYPUR,
DIST- BANKA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brij Nandad Prasad, Advocate
For the State	:	Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-02-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. No one represent the complainant although as per
the office notes, the notice has been validly served upon the
informant.

3. The petitioner apprehends his arrest in connection
with Complaint Case No. 329 of 2020 for the offence registered
under sections 323 and 498A of the Indian Penal Code.

4. As per the prosecution story, the complainant
alleged that the petitioner herein with whom she is married since
last nine years and were also blessed with a female child was



regularly assaulted for want of dowry and a four wheeler vehicle. Accordingly, the complaint.

5. Learned Counsel for the petitioner submits that minor issues between the couple has been given a big color and they have continued their marital journey for a decade, want to keep her as also his daughter with full dignity and honour and want to spend rest of his life peacefully.

6. No one has appeared on behalf of the complainant, as stated above despite valid service of notice.

7. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

8. Taking into account the submissions put forward by the parties as also that he is ready to keep his wife and the female child with full dignity and honour, this Court is inclined to extend him privilege of anticipatory bail.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Banka in connection with Complaint Case No. 329 of 2020 subject to condition as laid down under



Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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