

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74077 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- RAXAUL District- East Champaran

Jokhu Mahto Son Of Late Bacha Mahto Resident Of Village - Bara Pareua,
Ward No.17, P.S. - Raxaul, District - East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Seeta Devi Wife Of Jokhu Mahto Resident Of Village - Bara Pareua, Ward No.17, P.S. - Raxaul, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Advocate
For the State	:	Ms. Veena Kumari Jaiswal, APP
For the Informant	:	Mr. Kundan Rathore @ Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Binay Kumar, learned counsel for the petitioner, Mr. Kundar Rathore @ Kundan Kumar, learned counsel for the informant and Ms. Veena Kumari Jaiswal, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Raxaul P.S. Case No. 244 of 2023, F.I.R. dated 20.05.2023 for the offences punishable under Sections 323, 384, 498(A), 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner is said to have tortured and assaulted the informant and also demanded dowry from her family members.

4. Learned counsel for the petitioner submits that petitioner has is innocent and he has falsely been implicated in the present case. He further submits that the present case is a



counterblast of the Raxaul P.S. Case No. 237 of 2023 filed by the petitioner against the informant and other persons. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act or demand of dowry is attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that the informant is dubious character lady and she has filed a number of cases against the petitioner which is mentioned in para-3 of the bail application.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is husband of the informant and he has demanded dowry from the family members of the informant.

6. Considering the aforesaid facts and circumstances and the fact that present case has been instituted only to harass the petitioner and the same is counterblast of Raxaul P.S. Case No. 237 of 2023, 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 S.D.J.M., Raxaul, Motihari in connection with Raxaul P.S. Case



No. 244 of 2023, 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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