

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70831 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- MAJHAULIA District- West Champaran

Raju Sharma Son of Jagannath Sharma @ Jagannath Sharma R/o vill -
Ramnagar Bankat, P.s. - Majhauiliya, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari @ Rubi Kumari Wife of Raju Sharma R/o vill - Khadda
Mushari, D/o America Sharma @ Ambika Sharma, P.s. - Nautan, Distt. -
West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Anant Kumar Mishra, learned counsel for

the petitioner, Mr. Umesh Kumar Gupta, learned counsel
appearing on behalf of the informant as well as and Mr. Suresh
Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Majhauiliya P.S. Case No. 223 of 2023, F.I.R
dated 23.03.2023 for the offences punishable under Sections
120B, 341, 323, 328, 376, 354, 308, 498A, 467, 468, 504,
506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including the petitioner have assaulted and tortured the
informant due to non-fulfillment of their demands.



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 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 the petitioner is ready to pay Rs. 3,000/- per month as maintenance to the complainant till the disposal of the maintenance case, if any.

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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauliya P.S. Case No. 223 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 furnish a demand draft of Rs.



3,000/- in favour of the informant, namely, Neha Kumari @ Rubi Kumari 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 informant or her representative and the petitioner shall also undertake to pay Rs. 3,000/- per month to the informant in bank account bearing A/C No. 572402010005051, IFSC Code- UBIN0557242 as a maintenance. If the petitioner fails to pay the maintenance amount to the informant then the informant 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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