

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74199 of 2023

Arising Out of PS. Case No.-409 Year-2014 Thana- MUNGER COMPLAINT CASE
District- Munger

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Pooza Rabish @ Rabish Kumar Son Of Jagmohan Yadav R/O Vill -
Shankarpur, P.S. - Muffasil, Distt. - Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Devi W/o Neeraj Kumar R/o mohalla - Sandalpur (Near Durga
Ashthan, P.S. - Kashim Bajar, Distt. - Munger, At present r/o C/o Neeraj
Kumar, Son of ChamoYadav, Vill - Danauli, ward no. 4, Post - Danauli,
Phulwaria, P.S. - Balia, Distt. - Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the Complainant	:	Mr. Manoj Kumar Jha, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Sunil Kumar Singh, learned counsel for

the petitioner, Mr. Manoj Kumar Jha, learned counsel for the

complainant and Mr. Sanjay Kumar Tiwary, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 409© of 2014, for the
offences punishable under Sections 323 and 498A of the Indian
Penal Code and Section 4 of the D.P. Act.

3. According to prosecution case, petitioner along
with others is said to have assaulted and tortured the
complainant/O.P. No.2 on non-fulfillment of the 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 never performed the marriage with the O.P. No.2 and in fact the O.P. No.2 has already performed the marriage with another person and the petitioner has also performed the marriage. He further submits that although after notice the learned counsel for the complainant has appeared but he has not produced any document which suggest that the petitioner has performed the marriage with the O.P. No.2.

5. Learned counsel for the complainant as well as learned Additional Public Prosecutor, on the other hand, 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 S.D.J.M., Munger in connection with Complaint Case No. 409©



of 2014, 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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