

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74076 of 2023

Arising Out of PS. Case No.-7339 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Raja Sharma @ Raja Kumar S/O Late Nagina Sharma Village- Gola Road-
Jhakhari Mahadev Ps. Danapur, Dist. Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Kumari W/O Raja Sharma, D/O Ram Chhapit Sharma Resident Of
Rajbanshi Nagar, Near Fci Godown Ps. Shastrinagar, Dist. Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Ashok Kumar Mishra, learned counsel

for the petitioner and Mr. Akhileshwar Dayal, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 7339 (C) of 2021 for the
offences punishable under Section 498A 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 tortured the complainant and
ousted her from her matrimonial house.

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 has been made accused in the present case merely on the ground that the petitioner is husband of the complainant. He further submits that the complainant had appeared before the learned Court below where she had categorically stated that she did not want to go with the petitioner.

5. The learned Additional Public Prosecutor has 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, Patna in connection with Complaint Case No. 7339(C) of 2021, 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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