

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70644 of 2023**

Arising Out of PS. Case No.-24 Year-2022 Thana- MAHILA PS District- Jamui

Indal Kumar Son Of Subhit Tanti R/O Village- Postahiya, P.S.- Laxmipur,  
District- Jamui

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Seema Kumari D/O Lakhan Tanti R/O Village- Charan, P.S.- Sikandra,  
Dist.- Jamui

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Akash Raj, Advocate

For the Opposite Party/s : Mr.Nand Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      05-03-2024                      Heard Mr.Akash Raj, learned counsel for the  
petitioner, learned counsel for the informant and Mr.Nand  
Kumar,learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Jamui Mahila P.S.Case No.24 of 2022,FIR  
dated 10.05.2022 registered for the offences punishable under  
Sections 498(A),323,504,506,493,313 and 34 of IPC and  
Section 3/4 of the Dowry Prohibition Act.

3. Allegation against the petitioner is that he made  
physical relationship with the informant due to which she  
became pregnant and thereafter petitioner has solemnized his  
marriage with the informant. Further allegation against the



petitioner and other co-accused persons is of committing torture upon the victim due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner has not performed the marriage willingly with the opposite party No.2 and on the Gun Point the family members of opposite party party No.2 has performed the marriage of the petitioner with opposite party No.2 and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 16.04.2022 but the present FIR has been instituted on 10.05.2022 after delay of about 24 days.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has performed the marriage with opposite party No.2 in presence of the villagers.

6. Considering the aforesaid facts, petitioner has denied the marriage with the opposite party No.2 and the opposite party No.2 is not in a position to place on the record



anything which suggests that the petitioner has performed the marriage with the opposite party No.2, let the petitioner, above named, in the event of his 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 learned S.D.J.M., Jamui in connection with Jamui Mahila P.S.Case No.24 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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