

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74126 of 2023

Arising Out of PS. Case No.-2180 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Raj Kumar Son Of Late Kaushal Kishore Singh R/O Village- Gangachak,
P.S.- Jehanabad, Dist.- Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Pooja Kumari Wife Of Raj Kumar, Daughter Of Late Dukhan Prasad
Permanent R/O Village- Chintrakut Nagar, Road No. 9-1, P.S.- Danapur,
Dist.- Patna, At Present Residing In The Tenanted House Of Sri Bhagwan
Prasad, R/O Mohalla- Purandarpur, P.S.- Jakkanpur, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra, Advocate Mrs. Kumari Shubham, Advocate Mr. Vatsal Verma, Advocate Mrs. Smriti Verma, Advocate
For the Complainant	:	Mr. Vijay Kumar Sinha, Advocate
	:	Mr. Satyendra Kumar Bhatnagar, Advocate
For the State	:	Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 29-02-2024 Heard Mr. Shashank Chandra, learned counsel for

the petitioner, Mr. Vijay Kumar Sinha, learned counsel for the

complainant and Mr. Raj Ballabh Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 2180© of 2021 dated
19.06.2021 for the offences punishable under Sections 498(A)
and 497 of the Indian Penal Code and Section ¾ of the D.P. Act.

3. According to prosecution case, petitioner is said to
have tortured and assaulted the complainant.



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 complainant has already filed a Matrimonial Case No. 88 of 2021 in the court of learned Principal Judge, Family Court, Patna seeking maintenance from the petitioner and the said case is pending for adjudication before the competent Court of law.

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 and submits that the petitioner is an employee of the Patna High Court and he is not maintaining his wife and children.

6. Learned counsel for the petitioner submits that the till the disposal of the Matrimonial Case No. 188 of 2021 the petitioner is ready to pay Rs.7,000/- (Rupees Seven Thousand) per month to the complainant subject to result of the Matrimonial Case No. 188 of 2021, as per the bank account details furnished by her.

7. 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 J.M. 1st Class, Patna in connection with Complaint Case No. 2180(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 produce the Demand Draft of Rs.7,000/- in favour of the complainant at the time of furnishing the bail bond and the learned Court below is directed to hand over the Demand Draft to the complainant or her representative. If the petitioner fails to pay the maintenance amount fixed per month, the complainant is at liberty to move before the appropriate forum for cancellation of the bail application of the petitioner. If the complainant has furnished the bank account to the petitioner, the petitioner is directed to deposit the monthly maintenance amount in her bank account on 10th of every month.

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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