

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81092 of 2023

Arising Out of PS. Case No.-811 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Raja Kumar Son of Tuntun Singh R/o Village - Chhatwani, P.S.- Tariyani, District - Sheohar.
 2. Rahul Kumar Son of Tuntun singh R/o Village - Chhatwani, P.S.- Tariyani, District - Sheohar.
 3. Tuntun singh Son of Late Raj Kumar Singh R/o Village - Chhatwani, P.S.- Tariyani, District - Sheohar.
 4. Radha Shyam Singh @ Radhe Shyam Singh Son of Late Raj Kumar singh R/o Village - Chhatwani, P.S.- Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/o-Ashutosh Kumar @ Ashu , D/o- Shri Parshu Ram Singh R/o C/o- Kanak Verma Bichi, Shiv Mandir Road, Phase-2, Khajpura Raja Bazar, P.S.- Rajeev Nagar, District and Town- patna- 800014

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP
For the OP No. 2	:	Mr. Shrekant Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Amrendra Kumar, learned counsel for the petitioners, Mr. Shrekant Sharan Singh, learned counsel appearing on behalf of the Opposite Party No. 2 as well as Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 811 of 2021 for the offences punishable under Sections 498(A) and 34 of the Indian



Penal Code.

3. According to prosecution case, the complainant was subjected to cruelty, torture and harassment by the accused persons including these petitioners due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have 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 petitioners have not committed any offences as alleged in the complaint petition. He further submits that the petitioner nos. 1 and 2 are brothers-in-law, petitioner no. 3 is father-in-law and petitioner no. 4 is cousin father-in-law of the complainant.

5. The learned counsel appearing on behalf of the Opposite Party No. 2 as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that from perusal of the complaint petition it appears that the petitioners have committed wrong against the complainant but fairly submits that the Court below has taken cognizance against the petitioners only under Section 498(A)/34 of the Indian Penal Code.



6. Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Complaint Case No. 811 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. 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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