

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83987 of 2023**

Arising Out of PS. Case No.-37 Year-2023 Thana- MAHILA P.S. District-
Saran

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Nalin Bilochan Kumar Kushwaha SON OF BINDA PRASAD R/O VILLAGE-
JAMO BAZAR, P.S.- JAMBO BAZAR, DISTRICT- SIWAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. AKANKSHA KUMARI WIFE OF NALIN BILOCHAN KUMAR KUSHWAHA
R/O MOHALLA- THANA ROAD, BHAGWAN BAZAR, P.S.- BHAGWAN
BAZAR, DISTRICT- SARAN AT CHAPRA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Nawal Kishore Singh, learned counsel for

the petitioner and Mr. Parmanand Prasad, learned A.P.P. for

the State.

The petitioner apprehends his arrest in connection

with Saran Mahila P.S. Case No. 37 of 2023 registered for the

offence under Sections 341, 323, 498(A), 504, 509/506 of

the Indian Penal Code.

The petitioner is alleged to have assaulted and

tortured the informant and she has been tried to be killed by

getting her neck pressed by the petitioner.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that as a matter of fact, the informant was not living with the petitioner therefore, he has filed a divorce case bearing No. 102 of 2023 on 11.04.2023 before the Family Court, Siwan and when the informant came to know about the filing of the divorce case, she has filed the present case alleging therein that the occurrence took place on 18.03.2023 whereas the F.I.R. has been registered on 11.05.2023 after about two months without any explanation. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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., Saran at Chapra in connection with Saran Mahila P.S. Case No. 37 of 2023, subject to the conditions laid down under Section



438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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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