

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84984 of 2023

Arising Out of PS. Case No.-723 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Suraj Tiwari Son of Pramod Tiwari, Resident of Village- R-1, Sant Mical
School, Kasma Road, Rafiganj, P.S. Rafiganj, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandni Devi, aged about 30 years, female, D/o- Pappu Tiwari, R/o-
Mohalla- Adarsh Colony, Nuranganj, PS- Sasaram, Distt.- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Santosh Kumar Pandey, the learned

counsel for the petitioner, the learned counsel for the complainant
and Mr. Ram Anurag Singh, the learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 723 of 2022, registered for
the offences punishable under Section 498(A) of the Indian Penal
Code and under Section 3/4 of the Dowry Prohibition Act.

3. According to prosecution case, the marriage of the
complainant was solemnized with the petitioner and out of the
wedlock two children were born. It is further alleged that her in-
laws demanded Rs. 1,00,000/- (Rupees one lakh) and a



Motorcycle as dowry, and due to non-fulfillment of the same they ousted her from her matrimonial home.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is the husband of the complainant. He further submits that upon perusal of the complaint petition it appears that the allegation levelled in the complaint petition are false and fabricated and the petitioner has never committed any offence as alleged in complaint petition and he has never demanded any dowry from the family members of the complainant. He lastly submits that marriage of the petitioner was performed with the complainant in the year 2015 and till the filing of the complaint petition, no complaint has been made by the complainant with respect to the present occurrence or any demand of dowry and petitioner is ready to pay Rs. 4,000/- (Rupees four thousand) per month to the complainant as an interim maintenance till the disposal of the maintenance case, if any, filed by the complainant.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that from bare perusal of the complaint petition, it appears that the petitioner has demanded Rs. 1,00,000/- (Rupees one lakh) and a Motorcycle from the complainant.



6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Sasaram, Rohtas, where the case is pending in connection with **Complaint Case No. 723 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i) Petitioner shall pay Rs. 4,000/- (Rupees four thousand) at the time of furnishing the bail bond by way of demand draft in favour of the complainant namely, Chandni Devi and the learned trial Court is directed to hand over the said demand draft to the complainant or her representative, and the petitioner shall deposit 4,000/- (Rupees four thousand) per month in the bank account of the complainant, furnished by the learned counsel for the complainant, which is as follows:

Name	:	Anupa Kumari @ Chandni Kumari
Bank	:	India Post Payment Bank
Account No.	:	009610185347
IFSC Code	:	IPOS0000001
CLF	:	6078789215

(ii) If the petitioner fails to deposit Rs. 4,000/- (Rupees four thousand) per month in the said bank account of the



complainant, the complainant shall be at liberty to move before the learned trial Court for cancellation of the bail bond of the petitioner.

(iii). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(iv). 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.

(v). And further condition that the trial Court 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 trial Court 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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