

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1846 of 2024

Arising Out of PS. Case No.-68 Year-2022 Thana- MAHILA P.S. District- Patna

Kunal Prakash S/O Surya Bhusan R/O House No. 13/85 Choudhary Bhawan,
Mahendru, Ashok Rajpath, P.O- Mahendru, P.S- Sultanganj, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anmol Kumari W/O Kunal Prakash, D/O Vinod Sharma R/O Veer Kuwar Singh Nagar, Janta Road, New Yarpur, P.S- Gardanibhag, P.O- Anishabad, Distt.- Patna. 800001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Manish Chandra Gandhi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Manoj Kumar, learned counsel for the petitioner, Mr. Manish Chandra Gandhi, learned counsel for the informant as well as Mr. Anil Kumar, learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner is apprehending his arrest in connection with Patna City Mahila P.S. Case No. 68 of 2022, F.I.R. dated 05.06.2022 for the offences punishable under Sections 323, 342, 498A and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons are said to have tortured and assaulted the informant due to non-fulfillment of the demand of dowry.



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 husband of the informant. He further submits that the petitioner was compelled to file a matrimonial case vide HMA case no. 393 of 2022 for grant of divorce against the informant before the learned Court of learned Principal Judge, Patiala House, New Delhi on 11.04.2022 and the said case has been transferred to the Court of learned Principal Judge, Family Court Vaishali, Hajipur by the Hon'ble Supreme Court vide order dated 03.07.2023 passed in Transfer petition Civil No. 2053 of 2022 which is still pending before the learned Court below. He further submits that the present case is false and fabricated and when the informant has received the notice in the aforesaid case she has filed the present case only to harass the petitioner.

5. Learned counsel for the informant as well as 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 a bare perusal of the FIR it appears that the petitioner has demanded the dowry from the family members of the informant.



6. 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 Judicial Magistrate, 1st Class, Patna in connection with Patna City Mahila P.S. Case No. 68 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 absence on two consecutive dates without sufficient reason, his 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 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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