

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85474 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- MAHILA PS District- Darbhanga

Nidhi Kumari D/o Santosh Kumar, Resident of Village- Kolhanta Patori, P.S.
-Moro, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Mukesh Kumar Thakur, the learned
counsel for the petitioner, the learned counsel for the informant
and Mr. Ahmad Ali, the learned Additional Public Prosecutor
for the State.

2. The petitioner is apprehending her arrest in
connection with Mahila PS Case No. 34 of 2023, FIR dated
01.05.2023, registered for the offences punishable under
Sections 498(A), 323, 379, 504 and 506 read with Section 34 of
the Indian Penal Code and under Section 3/4 of the Dowry
Prohibition Act.

3. According to prosecution case, the informant was
tortured by her husband and in-laws over non-fulfillment of
dowry demand and she was finally ousted from her *sasural*. It is
further alleged that the informant suspects that her husband



intends to marry her sister's daughter namely, Nidhi Kumari.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that the petitioner is the daughter of the sister of the informant. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of demand of dowry, rather there is allegation that the petitioner is living with the co-accused namely, Randhir Kumar @ Randhir Kumar Rai as a wife.

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.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, let the petitioner, above-named, in the event of her 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 Sub-Divisional Judicial Magistrate, Darbhanga, where the case is pending in connection with **Mahila PS Case No. 34 of 2023**, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C. and also the following conditions:

(i). 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the trial Court.

(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 trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed her 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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