

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.181 of 2024

Arising Out of PS. Case No.-936 Year-2020 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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OMPRAKASH YADAV S/O SRI DURGA YADAV Village-Bairathpur, PS-
Majhauria, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Devi W/O Omprakash Yadav, D/o Ramu Yadav, R/o- Village-
Pashchini Kargahiya, Ward no 2, PS- Bettiah Town(Kalibag O.P.) West
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sagar Kumar, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Despite of notice validly served upon opposite party
No.2, no one appears on behalf of opposite party No.2.

2. Heard Mr.Sagar Kumar, learned counsel for the
petitioner and Mr.Harendra Prasad, learned Additional Public
Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No.936-C of 2020, registered
for the offences punishable under Sections 498(A) of the Indian
Penal Code and Section 4 of the Dowry Prohibition Act.

4. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due to
non-fulfillment of demand of dowry.



5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioner has never demanded any dowry from the family members of the complainant and he has been made accused in the present case merely on the ground that the petitioner is husband of the complainant.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

7. Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 learned Sub Divisional Judicial Magistrate, West Champaran at Bettiah in connection with Complaint Case No.936-C of 2020, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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