

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2046 of 2024

Arising Out of PS. Case No.-1984 Year-2022 Thana- COMPLAINT CASE District- Araria

Yogeshwar Singh @ Jageshwar Singh Son of Late Balram Singh, R/o Village
- Rampur Kodarkatti, Ward No.- 13, P.S. and District - Arariya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nilam Devi Wife of Yugeswar Singh @ Jogeshwar Singh, D/o Panchlal Singh, R/o Village - Mandh Basethi, Ward No.- 1, P.S.- Boasi, District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-04-2024 Heard Mr. Madhav Jha, the learned counsel for the petitioner, the learned counsel for the complainant and Mr. Binod Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Araria Complaint Case No. 1984 of 2022, registered for the offences punishable under Sections 323 and 498(A) of the Indian Penal Code.

3. According to prosecution case, the informant was subjected to torture by her husband and one Sima Devi over non-fulfillment of dowry demand and later she was ousted from her matrimonial home for the same reason. It is further alleged



that when the informant tried to build a house near her *sasural*, the accused and their family members took away all the house making article and threatened the informant with dire consequences.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has been made accused 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 there is no specific allegation, rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. 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 petitioner carries one criminal antecedent other than the present one, however, he fairly admits that according to the paragraph no. 3 of the bail petition, petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation against the petitioner, 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 Judicial Magistrate-1st Class, Araria, where the case is pending in connection with **Araria Complaint Case No. 1984 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 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.

(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 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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