

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48880 of 2024

Arising Out of PS. Case No.-1265 Year-2010 Thana- COMPLAINT CASE District- Supaul

Santosh Kamat S/O Sita Ram Kamat R/O Village- Kathi, P.S- Chhatapur,
Distt.- Supaul (Bihar).

... .. Petitioner/S

Versus

1. The State of Bihar
2. Mamni Devi W/O Santosh Kamat, D/O Buchchi Kamat R/O Village-
Laxminiyan, P.S- Triveniganj, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 11-04-2025 Despite notice validly served upon O.P. No. 2, no
one appears on behalf of O.P. No. 2.

2. Heard Mr. Pramod Mishra, learned counsel for the
petitioner as well as Mr. Shyam Bihari Singh, learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1265 (C) of 2010, for the
offences punishable under Section 498(A) of the Indian Penal
Code.

4. According to prosecution case, the marriage of
the petitioner was solemnized with the complainant in the year
2005 and after marriage, the petitioner along with other co-
accused persons is said to have demanded Rs.50,000/- as dowry



and due to its non-fulfillment, they assaulted her and thrown out her from her matrimonial home.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, learned court below has taken cognizance only under Section 498(A) of the IPC and despite valid service of notice, no one appears on behalf of O.P. No. 2 to oppose the prayer for bail of the petitioner, 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 S.D.J.M., Supaul in connection with Complaint Case No. 1265(C) of 2010, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 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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