

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69035 of 2024

Arising Out of PS. Case No.-525 Year-2022 Thana- SERGHATI COMPLAINT CASE
District- Gaya

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Mithlesh Kumar @ Mithlesh Kumar Yadav S/o Reman Yadav R/o Village-
Nain Sagar, PS- Barachatti, Dist- Gaya

... .. Petitioner

Versus

1. The State of Bihar.
2. Punam Kumari D/o Dilip Yadav R/o vill - Jamunaiya, P.S. - Dobhi, Distt. -
Gaya.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Vijay Kumar, the learned counsel for the

petitioner and Mr. Kanhiya Kishor, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Complaint Case No. 525 of 2022, registered for

the offences punishable under Sections 498(A), 494, 307, 379, 354

and 504 read with Section 34 of the Indian Penal Code and under

Section 3/4 of the Dowry Prohibition Act.

3. According to the prosecution case, the complainant

has been ousted from the matrimonial house due to non-fulfillment

of dowry demand and petitioner has performed second marriage

with one Rita Kumari.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He lastly submits that petitioner has been made accused in the present case merely on the ground that petitioner is husband of the complainant.

5. Vide order dated 18.10.2024, notice was issued to the opposite party no. 2, but despite valid service of notice, no one has appeared on behalf of complainant.

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

7. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, he is husband of the complainant and there is no specific allegation of assault, rather there is general and omnibus allegation against all the co-accused person including the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned 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, Sherghati at Gaya, where the case is pending in connection with **Complaint Case No. 525 of 2022**, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C. /
Section 482(2) of the BNSS, 2023 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 learned
trial Court and shall remain physically present as directed by the
learned trial Court and on his absence on two consecutive dates
without sufficient reason, his bail bond shall be cancelled by the
learned 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 learned 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 learned 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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