

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73603 of 2024

Arising Out of PS. Case No.-59 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

Binod Kumar @ Binod Sao S/o- Mandip Sao Village- Kharasin,P.S.- Karpi,
District- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sita Kumari W/o- Binod Kumar Village- Kharasin Ps- Shahartelwa Dist-
Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Anil Kumar Sinha, learned counsel for the
petitioner and Mr. Shailendra Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 59 of 2018, dated
29.11.2018 registered for the offences punishable under Sections
498(A) of the Indian Penal Code.

3. Allegation against the petitioner is of demand of
dowry and torture for the same.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the complaint petition is false and
fabricated and the petitioner has not committed any offence as
alleged in the complaint petition.



5. Vide order dated 26.10.2024, notice was issued to the Opposite Party No. 2 and the service report suggests that the Opposite Party No. 2 has received notice and despite valid service of notice, no one appears on behalf of Opposite Party No. 2.

6. Learned counsel for the petitioner further submits that the allegation as alleged in the complaint petition is false and no such occurrence had taken place and in fact the marriage was performed with the complainant in the year 2013 and till the date of filing of complaint petition in question no complaint has been made by the complainant and all of a sudden in the year 2018 the complaint has filed the false case against the petitioner.

7. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Arwal in connection with Complaint Case No. 59 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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