

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80614 of 2024

Arising Out of PS. Case No.-530 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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Kundan Tiwari @ Kundan Kumar S/O Shre Pukar Tiwari Resident of
Village- Nagmatiya, P.S- Madanpur, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahi Kumari D/O Umesh Mishra R/O Village- Sangatpur (Nay Tola), P.S-
Bakhtiyarpur, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2025 Heard Mr. Binod Kumar Pandey, learned counsel for

the petitioner and Mr. Arun Kumar, learned Additional Public

Prosecutor for the State.

2. Despite the valid service of notice upon the

Opposite Party No. 2, no one appears on behalf of the Opposite

Party No. 2.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 530 (C) of 2021, for the

offences punishable under Sections 498A, 323 and 406 of the

Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition

Act but cognizance has been taken under Section 468A of the

Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition

Act.



4. According to prosecution case, complainant's marriage was solemnized with the petitioner in the 2011 and thereafter she started to reside in her matrimonial home and the accused persons started to demand bike and golden chain as a dowry for this they tortured the complainant.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is the husband of the complainant. He further submits that from perusal of the F.I.R it appears that there is no specific allegation against this petitioner rather there is general and omnibus allegation. Despite the valid service of notice, no one appeared on behalf of the O.P. No. 2.

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

7. Considering the aforesaid facts and circumstances, 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 Sub-Divisional Judicial Magistrate, Barh (Patna) in connection with -Complaint Case No. 530 (C) of 2021, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 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.)

Jyoti Kumari/-

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