

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.453 of 2025

Arising Out of PS. Case No.-436 Year-2012 Thana- COMPLAINT CASE - BENIPUR
District- Darbhanga

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1. Mukes Singh @ Mukesh Singh Son of Late Ramjee Singh Resident of Village - Hanuman Nagar, P.S. - Viraul, District - Darbhanga
 2. Kanchan Devi @ Kanchan Dibi @ Kanchan Singh Wife of Mukes Singh @ Mukesh Singh Resident of Village - Viraul , P.S. - Viraul, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meera Devi Wife of Mukes Singh @ Mukesh Singh, D/O- Mangal Singh Resident of Village - Hanuman Nagar, P.S. - Viraul, District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Despite valid service of notice upon Opposite Party

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

2. Heard Mr. Shyamal Prakash, learned counsel for the petitioners and Mr. Gauri Shankar Gupta, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with C.R. No. 436 of 2012 for the offences punishable under Sections 147, 323, 341, 379 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. According to prosecution case, all the accused



persons including the petitioner no. 1 who happens to be the husband of the complainant, assaulted the complainant and ousted her from her matrimonial house due to non-fulfillment of demand of dowry. It is further alleged that the petitioner no. 1, who is husband of the complainant has performed second marriage with the petitioner no. 2.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offences as alleged in the complaint petition. He further submits that the petitioner no. 1 has performed second marriage with petitioner no. 2, namely, Kanchan Devi. He further submits that as per allegation in the complaint petition, petitioner no. 1 kicked out the complainant from her matrimonial home and now she is living with her two children, namely, Manisha Kumari and Sanjeet Kumar. Learned counsel on instructions submits that the petitioner no. 1 is ready to pay Rs. 10,000/- per month to the complainant/ Opposite Party No. 2 as maintenance for her and for her two children as well.

6. Learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Biraul at Benipur, Darbhanga in connection with C.R. No. 436 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner no. 1 is directed to produce a demand draft of Rs. 10,000/- in favour of the complainant at the time of furnishing bail bond and the learned court below is directed to hand over the said demand draft to the complainant or her representative. Thereafter, the petitioner no. 1 is directed to pay Rs. 10,000/- per month to the complainant as maintenance and if the petitioner no. 1 fails to pay the aforesaid maintenance amount to the complainant, then the complainant has liberty to move before the learned court below for cancellation of bail bonds of the petitioner no. 1, namely, Mukes @ Mukesh Singh.



ii. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

iii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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