

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89915 of 2024

Arising Out of PS. Case No.-1464 Year-2023 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Dharmendra Thakur S/o- Jagarnath Thakur Resident of Village- Kumlai Tea
Estate Division PO- Damdim PS- Malbazar, Dist- Jalpaiguri

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Manti Kumari W/o- Dharmendra Thakur, D/o- Sri Ramanand Thakur
Village- Dilawarpur Po- Madhopur Ps- Bidupur Dist- Vaishali

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2025 Heard Mr.Santosh Kumar, learned counsel for the

petitioner and Ms.Sucheta Yadav, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.1464/2023, dated
02.06.2023, registered for the offences punishable under
Sections 323,341,506,498(A) of the Indian Penal Code and
Section 3/4 of the D.P.Act.

3. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due
to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. 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. Learned counsel for the petitioner submits that in fact the petitioner has filed the divorce case bearing Matrimonial Case No.38/2023 before the Court of learned District Judge, Jalpourgari (W.B.) under Section 13(i)(a) of Hindu Marriage Act, 1955. Although the present complaint petition has been filed on 02.06.2023 before filing of the Matrimonial Case but the learned court below has taken cognizance on 02.01.2024. Thereafter, the petitioner had knowledge about the present case.

5. Learned counsel for the complainant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and petitioner has already filed the divorce case before the competent court of law before taking cognizance in the present matter, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Vaishali at Hajipur in connection with Complaint Case No.1464/2023, 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:-

(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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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