

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47059 of 2021

Arising Out of PS. Case No.-32 Year-2019 Thana- MAHILA P.S District- Supaul

MANOJ YADAV Son of Birju Yadav Resident of Village- Belhi Jibachhpur,
Ward No. 10, P.S.- Gamharia, District- Madhepura. Petitioner/s
Versus

1. The State of Bihar
2. Smt. Poonam Devi W/o Manoj Yadav, D/o Makum Yadav R/V- Shreepur,
Ward No. 10, P.S.- Kisanpur, District- Supaul Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-11-2022 Learned counsel for the petitioner is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341,498(A),504,506,34 of IPC and Section 3/4 of D. P.Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR



that there is general and omnibus allegation against the petitioner and there is no specific allegation of any assault or overt-act against the petitioner.

Vide order dated 05.07.2022, the matter was referred to the District Mediation Centre, Supaul to explore the possibility of amicable settlement of dispute between the parties.

The report of the learned Mediator dated 16.09.2022 reveals that despite the best efforts, the complainant had not appeared before the learned Mediator on 27.07.2022, 06.08.2022, 16.08.2022 and 01.09.2022 and report also reveals that the petitioner was present on each and every date.

Learned counsel for the complainant, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 court below where the case is pending in connection with Supaul (Mahila) P.S. Case



No. 32 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

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

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 antecedents, 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)

Nitesh/-

U		T	
---	--	---	--

