

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62554 of 2021**

Arising Out of PS. Case No.-7 Year-2021 Thana- MAHILA THANA District-
Begusarai

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Dr. Durgesh Kumar @ Durgesh Kumar Son Of Sri Mahendra Mishra
Resident of Village - Budhchak, P.S.- Katihar, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Kanhaiya Prasad Singh, Sr. Advocate
For the Informant	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Rakesh Kumar Singh, Advocate
For the State	:	Mrs. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard Mr. Kanhaiya Prasad Singh, learned Senior counsel for the petitioner, Mr. Ramakant Sharma, learned Senior counsel for informant assisted by Mr. Rakesh Kumar Singh, Advocate as well as learned APP for the State.

It appears from the order dated 28.03.2022, the petitioner has been granted provisional bail for the period of 15 days on the ground to appear in the examination of Uttarakhand Public Service Commission which is scheduled to be held on 03.04.2022.



Petitioner seeks bail in a case registered for the offences punishable under Sections 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and later on Section 376/34 of the Indian Penal Code was also added.

According to prosecution case, the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry made by the petitioner and his family members.

At the outset, learned Senior counsels for the petitioner have submitted that since the matter relates to matrimonial dispute, both the parties are ready to settle their disputes by way of amicable settlement.

Learned Senior counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Learned Senior counsel for the petitioner submits that he is ready to one time settlement with the informant and he proposed to the informant of Rs. 30,00,000/- (Rupees Thirty Lacs). Learned Senior counsel for the petitioner further submits that the petitioner is ready to pay Rs. 15,00,000/- (Rupees Fifteen Lacs) by way of demand draft in favour of the informant at the time of furnishing of bail bond and remaining amount of Rs. 15,00,000/- (Rupees Fifteen



Lacs) will be paid to the informant within a period of one month thereafter before the court below.

Learned Senior counsel Mr. Ramakant Sharma appearing on behalf of the informant accepted the offer of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Mahila P.S. Case No. 07 of 2021, with the following conditions :-

- (i) It is made clear that at the time of furnishing bail bond by the petitioner, the petitioner shall pay Rs. 15,00,000/- (Rupees Fifteen Lacs) to the informant of the present case.
- (ii) Further amount of Rs.15,00,000/- (Rupees Fifteen Lacs) shall be paid by the petitioner to the informant within a period of one month from the date of his release, failing which the bail bond of the petitioner shall stand cancelled automatically.
- (iii) 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.

(iv) 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.

(v) 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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