

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12191 of 2023

Arising Out of PS. Case No.-761 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

=====

MD. DILSHAD S/o Md. Shamim R/o Village- Kesharu, P.S.- Chandauti,
Distt- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shabnam Khatoon W/o Md. Dilshad, D/o Md. Matlub R/o Village- Vara,
P.S.- Chakand, Distt- Gaya.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satya Veer, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-10-2023 Heard Mr. Satya Veer, learned counsel for the

petitioners and Mr. Bhanu Pratap Singh, learned A.P.P. for the

State.

Despite filing appearance through Vakalatnama on
behalf of O.P. No.2, no one appears on behalf of O.P. No.2.

The petitioner apprehends his arrest in connection
with Complaint Case No. 761 of 2022 registered for the
offence under Sections 341, 323, 379, 498(A), 504 and
506/34 of the Indian Penal Code.

The complainant is subjected to mental and
physical torture and assault on account of non-fulfillment of
demand of dowry at the instance of the petitioner and other



family members.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the complaint, is false and fabricated and the petitioner has not committed any offence.

It appears from the record that vide order dated 14.07.2023, the matter was referred to the Mediation and Conciliation Center, Patna High Court, Patna for resolution of dispute between the parties and the parties were directed to appear before the learned Mediator on 27.07.2023 but the report of learned Mediator dated 13.09.2023 reveals that the dispute between the parties could not be resolved through the process of mediation despite best and sincere efforts and accordingly, mediation between the parties failed.

Learned counsel for the petitioner submits that the due to casual approach of the complainant/O.P. No.2, mediation between the parties could not succeed and even today nobody on behalf of the complainant/O.P. No.2 chosen to appear before the Court.

Learned A.P.P. for the State has opposed the prayer



for bail of the petitioner.

Considering the facts and circumstances of the case and the report of the learned mediator, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Judicial Magistrate, 1st Class -cum- Additional Munsif, Gaya in connection with Complaint Case No. 761 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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)

brajesh/-

U			
---	--	--	--

