

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17096 of 2023

Arising Out of PS. Case No.-330 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Tanoj Kumar S/o Shambhu Kumar Sharma R/o Mohalla- Lohiya Nagar, Near
Police Line , Post Surhidnagar, P.S.- Town, (Lohiya Nagar O.P.), Distt-
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Naina Sharma W/o Tanoj Kumar, D/o Shambhu Kant Sharma R/o village-
Sagi, P.S.- Phulparas, Distt- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-10-2023 Heard Mr. Sandip Kumar Gautam, learned counsel

for the petitioner and Mr. Shyameshwar Dayal, learned APP for

the State.

2. The petitioner is apprehending his arrest
connection with Complaint Case No. 330 of 2020, dated
25.11.2020 registered for the offences punishable under
Sections 341, 323, 498(A), 379, 313, 504, 34 of the Indian
Penal Code and Sections 3/4 of the Dowry Prohibition Act but the
learned Court below has taken cognizance under Section 498(A)
of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

3. Allegation against the petitioner is of demand of



dowry and torture mentally and physically for non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that 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.

5. Vide order dated 24.05.2023, the present matter was referred to the Mediation & Conciliation Centre, Patna High Court for settlement of dispute between the parties. Report of the learned Mediator dated 24.07.2023 reveals that dispute between the parties has been resolved through the process of mediation and the terms and conditions of the settlement (Memorandum of agreement was signed by both the parties on 21.07.2023).

6. Learned counsel appearing on behalf of the Complainant as well as learned APP for the State, on the other hand, on the basis of report of learned Mediator fairly submits that the mediation process has been successful.

7. Considering the aforesaid facts and circumstances of the case, and the report of the learned Mediator, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jhanjharpur, District-Madhubani in connection with Complaint Case No. 330 of 2020, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) 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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