

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20027 of 2023**

Arising Out of PS. Case No.-1290 Year-2021 Thana- BHOJPUR
COMPLAINT CASE District- Bhojpur

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PAPPU KUMAR YADAV SON OF PRAYAG YADAV RESIDENT OF VILLAGE -
CHAMARPUR, P.S. - SHAHPUR, DISTT. - BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. NITU KUARI WIFE OF PAPPU KUMAR YADAV RESIDENT OF VILLAGE -
MAJHAULI, P.O. - SOHARA, P.S. - KRISHNAGARDH, DISTT. - BHOJPUR AT
ARRAH

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Radha Krishna
For the Opposite Party/s	:	Mr.Ajay Kumar No. 2
For the O.P. No.2	:	Mr. Shiv Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-10-2023 Heard Mr. Radha Krishna, learned counsel for the

petitioner and Mr. Shiv Prasad, learned counsel for the

complainant as well as Mr. Ajay Kumar No.2, learned A.P.P.

for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1290 of 2021 registered for the
offence under Sections 498A, 504, 341, 323 of the Indian
Penal Code and Section 3 and 4 of the Dowry Prohibition
Act.

The complainant is subjected to mental and
physical torture on account of non-fulfillment of demand of



dowry at the instance of the petitioner and other accused persons.

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 petition, is false and fabricated and the petitioner has not committed any offence. He further submits that the petitioner has never demanded any dowry from the family members of the complainant nor he has tortured the complainant in any manner.

It appears from the order dated 17.08.2023, on the request of parties, the matter was referred to the Mediation and Conciliation Center, Patna High Court, Patna for settlement of dispute between the parties and both the parties are directed to appear before the Mediation and Conciliation Centre, Patna High Court on 01.09.2023 and the learned Mediator in compliance of the order dated 17.08.2023, has submitted its report which reveals that despite good and sincere efforts, mediation between the parties could not succeed.

Learned counsel for the petitioner is ready to keep



the complainant as wife with full honour and dignity.

Learned counsel for the complainant outrightly submits that the complainant is not ready to live with the petitioner and she wants one time settlement. He further submits that the complainant has already filed a maintenance case before the court below.

Considering the facts and circumstances of the case, 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 Sub Divisional Judicial Magistrate, Civil Court, Arrah in connection with Complaint Case No. 1290 of 2021, 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)

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