

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43227 of 2023

Arising Out of PS. Case No.-895 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

VINAY CHOUDHARY son of Dina Nath Choudhary Village- Kumahrar
Chouraha Ps- Agam Kuan Dist- patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rinki Devi wife of Vinay Choudhary Mirchaiya tola Gulzarbagh Ps-
Alamganj, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-10-2023 Heard Mr. Pramod Kumar, learned counsel for the

petitioner and Mr. Syed Ehteshamuddin, learned A.P.P. for

the State.

The petitioner apprehends his arrest in connection

with Complaint Case No. 895 of 2022 registered for the

offence under Sections 498(A) and 323 of the Indian Penal

Code.

The complainant is subjected to assault and torture

on account of non-fulfillment of demand of dowry and she

was ousted from her matrimonial house at the instance of

the petitioner and his 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.

Vide order dated 28.07.2023, the matter was referred to the Patna High Court Mediation and Conciliation Centre for resolution of the dispute between the parties and both the parties are directed to appear before the Patna High Court Mediation and Conciliation Centre on 31.08.2023 accordingly learned Mediator has submitted his report which reveals that dispute between the parties has been resolved through the process of mediation and the parties have voluntarily entered into an agreement dated 26.09.2023.

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 fact that the parties have settled their dispute by way of mediation, 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, Patna City in connection with Complaint Case No. 895 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.

(3) The petitioner shall deposit a demand draft of Rs. 2,50,000/- in the court below to be payable in favour of the complainant/O.P. No.2, Rinki Devi against first installment in terms of the agreement dated 26.09.2023, at the time of furnishing bail bonds and the learned court below shall hand over the said demand draft to the informant or her representative.



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.

It is made clear that if the petitioner fails to pay the second installment of Rs. 250000/- within the stipulated period as mentioned in the agreement between the parties, the complainant would be at liberty to move before the court below for cancellation of bail bonds of the petitioner.

(Rajesh Kumar Verma, J)

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