

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42068 of 2023**

Arising Out of PS. Case No.-138 Year-2022 Thana- MADHUBANI
COMPLAINT CASE District- Madhubani

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SUMIT KUMAR @ SUMIT KUMAR MAHTO SON OF RAJ KUMAR MAHTO
VILLAGE SAKARI PURANI BAZAR P.S SAKARI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. BABLI KUMARI WIFE OF SUMIT KUMAR MAHTO RESIDENT OF
VILLAGE- DHANUSHI, PS- SAKARI, DISTRICT- MADHUBANI, MOBILE
NO. 84070117329. AT PRESENT RESIDING AT VILLAGE- BHITH
BHAGWANPUR, PS- MADHEPUR, DISTRICT- MADHUBANI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ratanakar Jha
For the Opposite Party/s	:	Mr.Damodar Prasad Tiwary
For the Informant	:	Mr. Jitendra Kumar Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-10-2023 Heard Mr. Ratanakar Jha, learned counsel for the

petitioner and Mr. Damodar Prasad Tiwary, learned A.P.P. for

the State.

The petitioner apprehends his arrest in connection
with C.R. No. 138 of 2022 registered for the offence under
Sections 323, 498(A)/34 of the Indian Penal Code and
Section 3 and 4 of the D.P. 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 02.08.2023, 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 22.08.2023 and the learned Mediator in compliance of the order dated 02.08.2023, has submitted its report which reveals that dispute between the parties has been resolved through the process of mediation on the basis of memorandum of agreement between the parties dated 22.08.2023.

Learned counsel for the complainant submits that



the dispute between the parties has been resolved through the process of mediation.

Considering the facts and circumstances of the case and the report of 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 Sub Divisional Judicial Magistrate, Jhanjharpur in connection with C.R. No. 138 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)

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