

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42233 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Rajnish Kumar Son of Arbind Yadav Resident of Village - Kamlakund,
Babutola (Fakattakia), P.S.- Gopalpur, District – Bhagalpur. Petitioner/s
Versus

1. The State of Bihar
2. Khushboo Kumari Daughter of Baleshwar Prasad yadav At present Address
- Resident of village - Latra, P.S.- Gopalpur, District - Bhagalpur.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP
For the Complainant : Mr. Vivekanand Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-10-2023 Heard Mr. Rajesh Kumar Pandey, learned counsel

for the petitioner, Mr. Vivekanand Singh, learned counsel
appearing on behalf of the complainant as well as Mr. Rajendra
Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 72 of 2021, dated
23.07.2022 for the offences punishable under Sections 323, 385,
498A/34 of the Indian Penal Code and Sections 3/4 of the D.P.
Act.

3. According to prosecution case, the petitioner along
with other accused person have inflicted mental and physical
torture upon the complainant by using coercive measures
against her and her father so that her father is forced to execute a
registered sale deed in favour of the petitioner.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been 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 offences as alleged.

5. Vide order dated 22.11.2022 the matter was referred to Mediation Center, Patna High Court for settlement of the dispute between the parties. Report of the learned Mediator dated 17.05.2023 reveals that the dispute between the parties has been resolved during the process of mediation and the terms and conditions has been prepared which was accepted and signed by both the parties which is annexed with the mediation report.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the report of the learned Mediator, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Naugachia, District- Bhagalpur in connection with Complaint



Case No. 72 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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