

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1079 of 2022

Arising Out of PS. Case No.-1201 Year-2018 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

Om Prakash Dubey @ Chhotan Dubey, S/o Kapil Dubey, Resident of Village-
Baheri, P.O. Nauhata, P.S. Sadar, District – Kaimur. Petitioner
Versus

1. The State of Bihar
2. Priyanka Devi, Daughter of Lal Babu Tiwari, Resident of Village- Lopi, P.S.
Chenari, District - Rohtas. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Satyendra Pandey, Advocate
For the State	:	Ms. Sangeeta Sharma, APP
For the O.P. No. 2	:	Mr. Ashwani Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-12-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner in this case is seeking pre-arrest bail in connection with Complaint Case No. 1201 of 2018 in which cognizance has been taken under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. He has no criminal antecedent.

3. As per the prosecution story, on 19.05.2014 the complainant's daughter was married to this petitioner and after four days of marriage, the petitioner started demanding Hero Honda Motorcycle and golden chain and for this, the petitioner and his family members started torturing her in several ways. During this period, the complainant's daughter became pregnant

and she gave birth to a dead child. The complainant's daughter got ill and she was brought to her *maiye* but the petitioner never went to see her.

4. Earlier, the records were sent to the mediation center attached to this Court where both the parties have resolved their disputes amicably. The mediator's report at Flag 'M' says that the dispute between the parties has been resolved in the process of mediation. Certain terms and conditions have been agreed upon between the parties and the same is on the record.

5. Learned counsel for the petitioner and learned counsel for the opposite party no. 2 submit that opposite party no. 2 along with minor children is living in her *sasural*, however, at this stage, learned counsel for the opposite party no. 2 submits that the petitioner is not sending sufficient amount towards maintenance.

6. Having regard to the facts and circumstances of the case, the fact that the parties have amicably resolved their disputes and the opposite party no. 2 is now living in her *sasural* with her minor children, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above-named shall be released on bail in connection with Complaint Case No. 1201 of 2018 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two

sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sasaram, Rohtas, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the learned court below shall keep on monitoring the conduct of the petitioner from time to time and it will be open for the opposite party no. 2 to report to the learned court about any torture meted out to her by the petitioner at any point of time.

8. 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.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--