

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66775 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

VIKASH KUMAR S/O Ram Naresh Ray R/O Village- Uttari Dhamaun, P.S-
Shahpur Patori, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-10-2023 Heard Mr.Arun Kumar, learned counsel for the
petitioner, learned for the informant and Mr.Lakshmi Kant
Sharma, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Shahpur Patori P.S. Case No. 135 of 2022, FIR
dated 16.04.2022 registered for the offence punishable under
Sections 147,341,323,379,498(A),504,506 of the Indian Penal
Code and Section 3/4 of the D.P.Act.

3. Allegation against the petitioner is that he
alongwith other co-accused persons committed torture upon the
victim due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent. He has falsely been implicated
in the present case. The allegation as alleged in the FIR is false



and fabricated and the petitioner has not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. Vide order dated 22.05.2023, the matter was referred to the Patna High Court Mediation and Conciliation Centre to resolve the dispute between the parties but the report of the learned Mediator dated 25.09.2023 reveals that the parties are not ready to settle the dispute, hence, the mediation proceeding failed.

6. Learned counsel for the petitioner fairly submits that both the parties appeared before the Mediator but on some issues between them, the mediation proceeding has failed.

7. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the informant is ready to live with the petitioner but the complainant is ready to live with her husband at New Delhi not in paternal house of the petitioner, on that basis, the present mediation proceeding has failed.



8. Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 learned Judicial Magistrate, 1st Class, Samastipur in connection with Shahpur Patori P.S. Case No. 135 of 2022, 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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 antecedents, 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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