

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70864 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

=====

Md. Kamaluddin @ Md. Kamaluddin Rain Son of Md. Aslam Reen @ Aslam
R/v- Ward No. 08, Madhubani Tola, P.O. Sothngaon, P.S.- Harlakhi, District-
Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Halima Khatoon D/o Gafoor R/v- Sothgaon P.S.- Harlakhi, District-
Madhubani

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-10-2023 Heard Mr. Md. Soban Asghar, learned counsel for

the petitioner, Mr. Shailendra Kumar Jha, learned counsel
appearing on behalf of the complainant as well as Mr. Lalan
Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with CR No. 121 of 2022, dated 20.04.2022, for the
offences punishable under Sections 323, 341, 494, 498A, 506/34
of the Indian Penal Code, Section 3/4 of the D.P. Act.

3. According to prosecution case, this petitioner along
with other accused persons tortured the complainant physically
and mentally due to non-fulfillment of demand of Rs. 1 lakh and
one motorcycle.

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 in the complaint petition.

5. Vide order dated 27.06.2023 the matter was referred to Mediation Centre, Patna High Court for settlement of disputes between the parties. Report of the learned Mediator dated 11.10.2023 reveals that the dispute between the parties have been resolved from the process of mediation and both the parties have signed the Memorandum of Agreement dated 10.10.2023.

6. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have supported the contention of the petitioner and submits that now the matter has been resolved through the process of mediation.

7. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate, 1st Class, Benipatti, District- Madhubani in



connection with CR No. 121 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 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)

Vanisha/-

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

