

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74936 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- CHHATAUNI District- East Champaran

Kundan Kumar @ Kundan Kumar Tiwari Son Of Sri Pukar Tiwari Resident
Of Village - Bara Bariyarpur, P.S. - Chhatauni, District - East Champaran

... .. Petitioner

Versus

1. The State Of Bihar
2. Anjali Kumari Daughter Of Shyamsundar Mishra Resident Of Village - Bara Bariyarpur, Opposite Of Mani Hospital, P.S. - Chhatauni, District - East Champaran

... .. Opposite Partys

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Chhatauni P.S. Case No.219 of 2023, lodged on 11.05.2023 under Sections 342, 323, 337, 338, 354, 376, 511, 498A, 504 and 34 of the Indian Penal Code and under Section 3/4 of Dowry Prohibition Act.

3. As per the prosecution case, the F.I.R. has been lodged against the present petitioner with allegation of dowry, Section 498A and other allegations of IPC are there.

4. Learned counsel for the petitioner submits that petitioner is ready to conciliate on the point of one time



settlement. Counsel for the petitioner submits that he is in custody since 02.08.2023 and continuation in jail shall not solve any purpose. He submits that petitioner is ready to conciliate his matrimonial relation with his wife.

5. Learned counsel for Opposite Party No. 2 appears *suo motu* in this case and submits that he has no objection, if provisional bail may be granted to him and direction may be given that the petitioner may participate in the conciliation and within fixed period of time, the conciliation may be directed to be concluded.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on bail provisionally upon furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran, in connection with Chhatauni P.S. Case No.219 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C with other following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. However, the trial court is directed to arrange conciliation between the O.P. No. 2 and petitioner himself or before the expert mediator which is directed to be concluded within 90 days and upon successful mediation, the Court is directed to confirm his bail.

8. With the aforesaid direction, this criminal miscellaneous application is hereby disposed of.



9. If the conciliation shall fail then in that case, the
provisional bail granted to the petitioner shall be cancelled.

(Dr. Anshuman, J.)

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