

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5738 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- MAHILA P.S. District- Bhojpur

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DHARMENDRA YADAV S/o of Late Ramji Yadav Resident of Village-
Maniyara, P.S.-Tiyar, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. PUJA DEVI Wife of Dharmendra Yadav, Daughter of Vakil Singh Resident
of Village-Mothi, P.O.-Rajiya, P.S.-Piro, District-Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2024 No one appears on behalf of opposite party No.2.

2. Heard Mr.Prabhat Kumar Singh, learned counsel
for the petitioner and Mr.Mohammed Arif, learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No.33 of 2023, FIR dated
07.06.2023 registered for the offences punishable under
Sections 341,323,504,506,498(A),34 of IPC and Sections 3/4 of
Dowry Prohibition Act.

4. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due to
non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner submits that



petitioner has clean antecedent. He has falsely been implicated in the present case merely on the ground that the petitioner is husband of the informant.

6. Pursuant to the direction of this Court dated 20.02.2024, the matter was referred to the Mediation Center of the Patna High Court for settlement of the dispute between the parties.

7. Learned counsel for the petitioner submits that the petitioner has appeared each and every date before the learned Mediator but no one appears on behalf of the opposite party No.2 in the mediation proceeding so only sole ground the mediation process failed.

8. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

9. 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 Sub Divisional Judicial Magistrate, Bhojpur at Ara in connection with Mahila



P.S. Case No.33 of 2023, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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