

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40634 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- TEKARI District- Gaya

=====

Guddu Kumar Yadav @ Guddu Kumar Son of Mithilesh Yadav @ Mithilesh Kumar Yadav, R/O Village- Ore Bigha, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Puja Devi Wife of Guddu Kumar Yadav @ Guddu Kumar, D/O Shiv Kumar Yadav, at present R/A Village- Laskar Ganj, P.O.- Mau, P.S.- Tikari, District- Gaya.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Atul Shankar, Advocate
For the O.P. No. 2	:	Mr. Ujjwal Kumar Singh, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-03-2024 Heard Mr. Atul Shankar, the learned counsel for the petitioner, Mr. Ujjwal Kumar Singh, the learned counsel for the Opposite Party No. 2 and Mr. Mukesh Kumar Singh, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tikari PS Case No. 286 of 2022, FIR dated 21.05.2022, registered for the offences punishable under Sections 498(A), 379 and 506 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the informant was assaulted and was later ousted along with her child from her matrimonial home due to non-fulfillment of dowry demand. It is



further alleged that the petitioner along with other co-accused persons entered the house of informant and tried to took away her child on gun point and upon her protest, they snatched her gold locket.

4. Learned counsel for the petitioner submits that that the petitioner has clean antecedent and he has falsely been implicated in the present case, merely on the ground that petitioner is husband of the informant and from perusal of the FIR, it appears that there is no specific allegation against the petitioner, rather the allegations are general and omnibus in nature.

5. Pursuant to the direction of this Hon'ble Court, dated 18.01.2024, the matter was referred to the Patna Mediation Centre to resolve the disputes between the parties. Learned counsel for the petitioner informed this Court that Opposite Party No. 2 has never appeared before the learned mediator and due to this reason, the mediation has failed.

6. Learned counsel for the informant submits that due to difficult financial conditions she has not appeared before the learned mediator.

7. Learned counsel for the petitioner submits that the petitioner is ready to pay Rs. 5,000/- (Rupees five thousand) per month to the Opposite Party No. 2, who is wife of the petitioner, subject to result of the maintenance case, if any.



8. Learned counsel for the informant as well as the learned APP for the State has no objection to the aforementioned submission.

9. In view of the aforesaid, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate-VI, Gaya, where the case is pending in connection with **Tikari PS Case No. 286 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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.

(iv) Petitioner shall produce a Demand Draft of Rs. 5,000/- (Rupees five thousand) at the time of furnishing his bail bond in favour of the informant namely, Puja Devi and learned Court below is directed to hand over the said Demand Draft to the Opposite Party No. 2 or her representative and petitioner shall pay Rs. 5,000/- (Rupees five thousand) per month to the informant, and if the petitioner failed to comply with the aforesaid direction, the informant is given the liberty to move before the competent Court of law for cancellation of the bail bond of the petitioner.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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

