

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36825 of 2024

Arising Out of PS. Case No.-821 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Vikash Kumar @ Vikash Kumar Giri Son of Hira Giri, Resident of Village -
Singhasani, P.S. - Baikunthpur, District - Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar.
2. Soni Kumari Daughter of Bindeshwar Giri, Wife of Vikash Kumar @ Vikash Kumar Giri, Resident of Village - Areraj, P.S. - Govindganj, District - East Champaran.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-10-2024 Heard Mr. Rajeev Nayan, the learned counsel for

the petitioner, the learned counsel appearing on behalf of
complainant / informant and Mr. Abhay Kumar, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 821 of 2023, FIR dated
06.04.2023, registered for the offences punishable under
Sections 323, 498A, 406 and 504 read with Section 34 of the
Indian Penal Code and under Section 3/4 of Dowry Prohibition
Act and cognizance has been taken by the learned Sub-
Divisional Judicial Magistrate Sadar, Motihari, East Champaran
under Section 498A of the Indian Penal Code and under Section



4 of the Dowry Prohibition Act.

3. According to the prosecution case, the complainant / informant was subjected to torture and abuse by her in-laws over non-fulfillment of dowry demand and she is staying at her *Naihar* from 29.03.2022.

4. Despite valid service of notice, no one appeared on behalf of Opposite Party No. 2. On the last occasion also, Opposite Party No. 2 did not participate in the mediation proceeding.

5. Vide order dated 27.06.2024, the matter was referred to the Patna High Court Mediation Centre and report dated 09.08.2024 of the learned Mediator reveals that petitioner along with his learned counsel was present before the learned Mediator on the specified date, however, Opposite Party did not appear before the learned Mediator on the said date and due to this mediation has failed. He further submits that petitioner has clean antecedent and from bare perusal of the complaint petition, it appears that the allegation levelled in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition and he has been made accused in the present case merely on the ground that he is husband of the complainant / informant.



6. In view of the aforesaid, despite direction of this Court, the complainant / informant did not appear before the learned Mediator on the specified date; this Court has no other option, but to grant the privilege of anticipatory bail to the petitioner.

7. The learned counsel for the complainant / informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, 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 Sub-Divisional Judicial Magistrate Sadar, Motihari, East Champaran, where the case is pending in connection with **Complaint Case No. 821 of 2023**, 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



learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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