

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38368 of 2024

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

Om Prakash Kumar @ Om Prakash Singh Son Of Late Munshi Singh Village-
Malhipur, Ps- Chenari, Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari Daughater Of Dinanath Singh Village- Jamodi, Ps- Bikram,
Dist- Rohtas At Prsent At Jagrit Nagar Magistrate Colony, Ps- Rajiv Nagar,
Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Braj Kishore Singh, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, APP
For the O.P. No.2	:	Mr. Shiv Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2024 Heard Mr. Braj Kishore Singh, learned counsel for

the petitioner, Mr. Mohammed Arif, learned Additional Public

Prosecutor for the State and Mr. Shiv Pratap, learned counsel

appearing on behalf of the O.P. No.2.

2. The petitioner is apprehending his arrest in
connection with Sasaram Mahila P.S. Case No. 33 of 2023,
F.I.R. dated 19.07.2023 for the offences punishable under
Sections 498(A) and 34 of the Indian Penal Code and Section 3/4
of the D.P. Act.

3. According to prosecution case, the allegation
against the petitioner is of torturing the informant in association
of his family members on account of non-fulfillment of demand



of dowry and of ousting her out of the matrimonial house.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the ground that the petitioner is husband of the O.P. No.2. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Vide order dated 26.06.2024, the matter was referred to the Patna High Court Mediation Centre for settle the dispute between the parties. As per report of the learned Mediator dated 02.09.2024 suggests that inspite of the best efforts, the dispute between the parties could not be resolved and the mediation have been failed.

6. Learned counsel for the petitioner outrightly submits that the petitioner is ready to pay Rs. 10,000/- per month to the O.P. No.2, who happens to be wife of the petitioner, in her Bank Account No. 49050100000024, IFSC Code- BARBOAGCPAT, Bank of India, Patna as interim maintenance (till the disposal of the maintenance case if any filed in the future).

7. The learned counsel appearing on behalf of the O.P. No.2 as well as learned Additional Public Prosecutor have no



objection in this regard.

8. 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 Chief Judicial Magistrate, Sasaram 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. At the time of furnishing bail bond, the petitioner shall deposit Rs.10,000/- by way of demand draft in favour of the O.P. No.2 and the learned court below is directed to hand over the said demand draft to the O.P. No.2 or her representative and the petitioner shall pay Rs.10,000/- per month by 7th of each month in the bank account of the O.P. No.2 and if the petitioner fails to pay the aforesaid amount, the O.P. No.2 shall be at liberty to move before the learned court below for cancellation of bail bond of the petitioner.

ii. 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.

iii. 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.

iv. 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)

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