

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47647 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- MAHILA PS District- Khagaria

Nikhil Kumar Bharti S/O Mithlesh Kumar Bharti Resident Of Village-
Pasraha, P.S.- Pasraha District- Khagaria (BIHAR) Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP
For the Informant : Mr. Ranjeet Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-03-2024 Heard Mr. Sanjay Kumar Sinha, learned counsel

for the petitioner, Mr. Ranjeet Kumar Singh, learned counsel

appearing on behalf of the informant as well as and Mr.

Bishweshwar Ram, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 26 of 2022, F.I.R. dated 14.07.2022 for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. According to prosecution case, all the accused persons including the petitioner have assaulted the informant and also threatens her to kill her due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. Vide order dated 09.10.2023 the matter was referred to the Patna High Court, Mediation Centre for settlement of disputes between the parties. Report of the learned Mediator dated 09.02.2024 reveals that the dispute between the parties have been resolved and the terms of settlement have been mutually agreed upon by them and both are ready to live together as husband and wife.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have no objection in this regard.

7. Considering the aforesaid facts and circumstances and the report of the learned Mediator, 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 Sub Divisional Judicial Magistrate, Khagaria in connection with Mahila P.S. Case No. 26 of 2022,



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 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.

(Rajesh Kumar Verma, J)

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