

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52827 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- GAURICHAK District- Patna

Raushan Kumar S/O Sri Rajesh Kumar Singh R/O Village- Kalyanpur, P.S-
Pipra, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari D/O Vrind Singh R/O Village- Sohagi Nahar, P.S- Gaurichak,
Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Adv.
For the Opposite Party/s	:	Ms.Pushpa Sinha.1, APP
For the Informant	:	Mr. Amit Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 02-04-2024 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant.

2. The petitioner seeks bail in connection with
Gaurichak P.S. Case No. 134 of 2023 instituted for the offences
under Sections 494, 498A, 120B, 506 and 323 of the Indian
Penal Code and Section 4 of the Dowry Prohibition Act.

3. The allegation against the co-accused persons
including the present petitioner is of assaulting and torturing the
Informant for demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that though the petitioner is alleged to be the husband of the Informant but, as a matter of fact, the Informant is a cousin sister (Mauseri Sister) of the petitioner and, as such, no marital relation can be developed with the Informant. He further submits that the Informant has pressurized the petitioner for solemnization of marriage with her but, the petitioner refused the offer of the Informant and, as such, the Informant has made concocted documents of marriage. He further points out that all the sections are bailable except 498(A) of the I.P.C. and the same is not applicable against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody for almost five months.

5. On the other hand, the learned A.P.P. for the State assisted by learned counsel for the Informant has vehemently opposed the prayer for grant of bail to the petitioner.

6. Earlier, vide order dated 21.08.2023 passed by a Co-ordinate Bench of this Court, the case was referred to the Patna High Court Mediation & Reconciliation Center, Patna to settle the dispute between the parties and, for the said purpose, the petitioner was also granted provisional bail.

7. The report of the Mediator dated 11.12.2023 is on record and from its perusal, it appears that the mediation has



failed.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and keeping in view that the mediation has failed, the provisional bail granted to the petitioner vide order dated 21.08.2023, is confirmed, subject to the following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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