

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63541 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- NAWANAGAR District- Buxar

Santosh Kumar @ Santosh Kumar Yadav @ Santosh Kumar Singh Son of Rajendra Yadav, Resident of Village - Bhatauli, P.S. - Nawanagar, District – Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajan Kumar Son of Ramlal Singh, Resident of Village - Kesath, P.S. - Nawanagar, District - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mohit Shriwastava, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Mohit Shriwastava, the learned counsel for the petitioner and Mr. Ram Anurag Singh, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with G.R. No. 1895 of 2022, arising out of Buxar Nawangar PS Case No. 232 of 2022, FIR dated 14.07.2022, registered for the offences punishable under Sections 498(A), 341, 323, 307 and 379 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the informant's sister was married to one Santosh Singh and out of wedlock one baby girl was born and later a second child died in her womb



due to which her womb was removed by the doctors. It is further alleged that after this incident the behaviour of her in-laws changed and they started torturing and assaulting her.

4. Vide order dated 17.10.2023, the matter was referred before the mediation centre for resolving the dispute between the parties. The report of the learned mediator dated 05.12.2023 suggests that the issue between the parties could not be settled through the process of mediation.

5. 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 levelled in the FIR is false and fabricated and the petitioner has not committed any such offence as in the FIR. He further submits that the petitioner is suffering from several diseases and he has annexed the prescription of the All India Institute of Medical Sciences (AIIMS) and pursuant to the order dated 17.10.2023, the petitioner has paid Rs. 4,000/- (Rupees four thousand) per month to the Opposite Party No. 2.

6. Learned counsel for the informant as well the learned APP for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that upon perusal of the FIR, it appears that the petitioner has



assaulted the Opposite Party No. 2 as she has received injury and he has produced the injury report of the informant which suggests that although, she has received the injury, but the same is found to be simple in nature.

7. Considering the aforesaid facts and circumstances and the fact that mediation has failed between the parties and the petitioner has already paid Rs. 4,000/- (Rupees four thousand) per month as maintenance to the Opposite Party No. 2., 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 Judicial Magistrate 1st Class, Buxar, where the case is pending in connection with **Buxar Nawangar PS Case No. 232 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) If the petitioner fails to pay Rs. 4,000/- (Rupees four thousand) per month to the Opposite Party No. 2, she has the liberty to move before the learned Court below for cancellation of his bail bond.

(Rajesh Kumar Verma, J)

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