

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86163 of 2023

Arising Out of PS. Case No.-54 Year-2021 Thana- MAHILA P.S. District- Samastipur

Utsav Kumar @ Utsav Singh Son of Mrityunjay Singh Resident of Village-
Bhusdha, Manpar Police Station- Gayaghat, District- Muzaffarpur,

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Singh D/o Rajiv Singh @ Guddu Singh, resident of village and Post-
Bailamagh, Police Station- Ujiyarpur, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Advocate
For the Opposite Party No. 2:		Mr. Madhav Kumar, Advocate
For the State	:	Mr. Nand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Shailesh Kumar, learned counsel for the

petitioner, Mr. Madhav Kumar, learned counsel appearing on

behalf of the informant/opposite party no. 2 and Mr. Nand

Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Samastipur Mahila P.S. Case No. 54 of 2021,
F.I.R. dated 03.08.2021 registered for the offences punishable
under Sections 498A, 323, 341, 504, 354, 34 of the Indian Penal
Code and under Section 3/4 of the Dowry Prohibition Act.

3. Petitioner is husband of the informant. Allegation
is of demand of dowry and torture for the same.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case merely on the ground that the petitioner is the husband of the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Pursuant to the order dated 18.01.2024, the matter was referred to the Patna High Court, Mediation Centre and the report of the learned Mediator dated 28.02.2024 reveals that in spite of best effort the mediation has failed.

6. Learned counsel for the petitioner submits that petitioner is ready to pay Rs. 5,000/- per month to the informant/Opposite Party No. 2 as a maintenance till the disposal of the Maintenance Case No. 128 of 2022.

7. Learned counsel for the informant/Opposite Party No. 2 has no objection in this regard.

8. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Samastipur in connection with Samastipur Mahila P.S. Case No. 54 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(i) The petitioner shall produce the demand draft of Rs. 5,000/- in favour of the informant/Opposite Party No. 2 namely, Priya Singh vide A/c No. 2218000100136433, Branch Name- Punjab National Bank at the time of furnishing bail bond and the petitioner shall pay Rs. 5,000/- per month regularly to the informant/Opposite Party No.2's account and if the petitioner fails to pay the aforesaid maintenance amount to the informant/Opposite Party No. 2, the informant/Opposite Party No. 2 shall be at liberty to move an application for cancellation of his bail bond before the appropriate forum in accordance with law.

(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 witness, 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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