

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31046 of 2024

Arising Out of PS. Case No.-530 Year-2021 Thana- BRAHMPUR District- Buxar

Subheshwar Tiwary @ Sumeshwar Tiwari Son Of Rameshwar Tiwari
Resident Of Village - Brahmpur, P.S. - Brahmpur, District - Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Goldi Singh Daughter Of Late Surendra Singh Resident Of Village - Baraki Mukha, P.S. - Brahmpur, District - Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Satyapal Singh, Advocate
For the State	:	Mr. Manoj Kumar, APP
For the O.P. No. 2	:	Mr. Rajendra Nath Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-01-2025 Heard Learned Senior Counsel for the petitioner,

Learned Counsel for the Opposite Party No. 2 and Learned

A.P.P. for the State.

2. The petitioner seeks regular bail in connection with

Sessions Trial No. 156 of 2022, arising out of Brahmpur P.S.

Case No. 530 of 2021, lodged on 16.09.2021, under Sections
376, 420, 120(B), 341, 323, 504 and 506 of the Indian Penal

Code read with Sections 3/4 Dowry Prohibition Act.

3. Learned Senior Counsel for the petitioner submits

that the petitioner had moved before this Hon'ble Court for

regular bail passed in Cr. Misc. No. 18028 of 2022 in which

vide order dated 14.07.2022, the petitioner was released on



provisional bail with a direction to conduct a mediation. It has also been directed that if the settlement takes place, the provisional bail shall be confirmed but if the settlement could not take place then the provisional bail shall be rejected. Senior Counsel further submits that under compelling circumstances, the mediation could not take place successfully. As a result, the petitioner has moved before this Court later on, but his provisional bail was not confirmed leading to his surrender before the Court. He further moved for regular bail in which *vide* order dated 28.03.2024 the Session Court was pleased to reject his regular bail. Senior Counsel further submits that charge has already been framed in this case and trial has commenced bearing Session Trial No. 156 of 2022. Senior Counsel submits that from the content of the FIR, it becomes clear that the alleged victim was major and despite the repeated efforts mediation could not take place. Senior Counsel also submits that the criminal antecedent of the petitioner is clean, he is in custody since 28.03.2024 and prior to that he was also in judicial custody in between 10.02.2022 to 20.07.2022. Senior Counsel further submits that no purpose shall be served keeping the petitioner in custody.

4. Learned Counsel for Opposite Party No. 2



vehemently opposes the prayer for bail and submits that the present petitioner is a cheater, he developed physical relation with the victim on the pretext of marriage. Subsequently, he refused to marry her and instead demanded cash.

5. Learned Counsel for the State opposes the prayer for bail and submits that from the record it transpires that the trial has commenced.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-1st, Buxar in connection with Sessions Trial No. 156 of 2022, arising out of Brahmpur P.S. Case No. 530 of 2021, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J)

Aman Kumar/-

U		T	
---	--	---	--

