

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61201 of 2024

Arising Out of PS. Case No.-73 Year-2022 Thana- MAHILA P.S. District- Lakhisarai

Laxman Kumar S/O Ramanand Yadav R/O Near Old Central Bank, Post And P.S- Rajgir, Distt.- Nalanda, Bihar, Presently Residing Near Hotel Patliputra, Frazer Road, P.S- Gandhi Maidan, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State Bihar
2. Pinki Kumari D/O Sanjay Yadav R/O Village- Garhi Bishanpur, P.S- Lakhisarai, Distt.- Lakhisarai, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP
For the O.P. No.2	:	Mr. Om Prakash Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-01-2025 Heard Mr. Vikash Kumar Pankaj, learned counsel for the petitioner, Mr. Om Prakash Mandal, learned counsel for the O.P. No.2 and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Lakhisarai Mahila P.S. Case No. 73 of 2022, F.I.R. dated 12.12.2022 for the offences punishable under Sections 341, 323, 498(A), 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, allegation against the petitioner and other co-accused persons is of committing torture upon the victim due to non-fulfillment of the demand of



dowry. It is further alleged that petitioner went to informant's parents' house in Garhi and started abusing her. It is also alleged that petitioner has physically assaulted her and threatened to kill her family.

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 FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the informant has stated that the petitioner and other family members have assaulted the O.P. No.2 but it appears from the FIR that the O.P. No.2 has not annexed any medical document which suggests that she has received any injury.

5. Pursuant to the direction of this Court vide order dated 20.11.2024, the matter was referred to Patna High Court Mediation Centre for resolving the matter between the parties but the report of the learned Mediator dated 10.01.2025 reveals that inspite of best and sincere efforts, the dispute between the parties could not be resolved through the process of mediation.

6. Learned counsel for the O.P. No.2 and learned A.P.P. for the State, on the other hand, vehemently oppose the



prayer for bail of the petitioner and submit that it appears that despite of best effort the petitioner is not ready to keep the O.P. No.2 as a wife and petitioner has also not accepted the mediation order which was performed in the learned Court below.

7. Considering the aforesaid facts and circumstances, 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 S.D.J.M., Lakhisarai in connection with Lakhisarai Mahila P.S. Case No. 73 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S., 2023 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)

ajay/-

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

