

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63553 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- MAHILA PS District- Buxar

Narendra Kumar son of Shiv Narayan Singh Resident of village- Kuchila PS-
Kochas District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khusbu Kumari D/o- Kamla Prasad Singh, W/o- Narendra Kumar Village-
Samhuta Ps- Dhansoi Dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 16-04-2025 Heard Mr. Shyam Bihari Singh, learned counsel for

the petitioner and Mr. Humayou Ahmad Khan, learned APP for

the State.

2. Despite of entered appearance through
Vakalatnama, no one appears on behalf of Opposite Party No. 2.

3. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 38 of 2024, F.I.R. dated
02.06.2024 registered for the offences punishable under
Sections 341, 323, 498A/34 of the Indian Penal Code and
Section 3, 4 of the Dowry Prohibition Act.

4. Petitioner is husband of the Informant. Allegation
against the petitioner is of demand of dowry and torture for the



same

5. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. 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. He further submits that the petitioner has never demanded any dowry amount from the Opposite Party No. 2 or her family members. In fact, the Opposite Party No. 2 is not interested to restore her matrimonial life.

6. Vide order dated 20.11.2024, the matter was referred before the Patna High Court Mediation Centre for resolving the dispute between the parties. Report of the learned Mediator as well as the ordersheet of Mediation Proceeding No. 1829 of 2024 reveals that although the petitioner and his counsel were present on each and every date but the Opposite Party No. 2 has not participated in the aforesaid Mediation Proceeding even the counsel of the Opposite Party No. 2 has not chosen to appear before the learned Mediator as well as even today no one appears on behalf of Opposite Party No. 2 which suggests that the Opposite Party No. 2 is not interested to pursue the matter.

7. Learned APP for the State has opposed the prayer



for anticipatory bail of the petitioner.

8. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and despite of indulgence granted to the Opposite Party No. 2, no one appeared on behalf of Opposite Party No. 2 in the Mediation proceeding or before this Hon'ble Court, 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 S.D.J.M., Buxar in connection with Mahila P.S. Case No. 38 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) 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.

(3) 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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