

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61967 of 2024

Arising Out of PS. Case No.-1462 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

=====

Upendra Singh Kushwaha S/O Late Rajdev Singh Kushwaha @ Rajdev Bhagat R/O Village- Bharthui, P.O- Dhanauti, P.S- Dhanauti (O.P.), Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Kumari W/O Upendra Singh Kushwaha, D/O Dhruv Prasad R/O Village- Bharthui, P.O- Dhanauti, P.S- Dhanauti (O.P.), Distt.- Siwan, present Residing at Village- Molnapur, P.O- Molnapur, P.S- Basantpur, Distt.- Siwan.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jagjit Roshan, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP
For the Complainant	:	Mr. Bijay Prakash Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-04-2025 Heard Mr. Jagjit Roshan, learned counsel for the petitioner, Mr. Bijay Prakash Singh, learned counsel for the complainant and Mr. Suresh Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1462 of 2022, dated 02.08.2022 for the offences punishable under Sections 323, 498(A), 379 of the Indian Penal Code in which cognizance has been taken under Section 323, 498(A)/34 of Indian Penal Code.

3. As per the First Information Report, the petitioner



along with other co-accused persons ousted the complainant from her matrimonial home due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that he is the husband of the complainant. He further submits that complainant has also filed Maintenance Case No.167 of 2022 which is pending for consideration before the Court of the Principle Judge/Family Court, Siwan.

5. Vide order dated 26.10.2024 the matter was referred to the learned Mediator to resolve the dispute between the parties. Report of the learned Mediator reveals that the dispute between the parties could not be resolved through the process of mediation and mediation failed.

6. Learned counsel for the petitioner submits that due to casual approach of the complainant the matter could not be resolved before the learned Mediator.

7. The learned Additional Public Prosecutor and learned counsel for the complainant vehemently opposed the prayer for bail of the petitioner and submits that the petitioner may be directed to pay some maintenance amount to the



complainant.

6. Considering the aforesaid facts and circumstances and the fact that due to casual approach of the complainant, the matter could not be resolved before the learned Mediator and apart from that complainant has already filed a Maintenance Case before the competent Court of law and the same is still pending for consideration, 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 Judicial Magistrate 1st Class, Siwan in connection with Complaint Case No. 1462 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Suruchi/-

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

