

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63087 of 2024

Arising Out of PS. Case No.-2965 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Mithlesh Kumar S/O Late Subedar Yadav Resident Of Old Kankarbagh, Gate
No 4, P.S- Patrakar Nagar, P.O.- Lohia Nagar, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Kumari W/O Mithlesh Kumar, D/O Suresh Paswan R/O Arya
Kumar Road, Machuatoli, P.S- Kadamkuan, P.S- Bankipur, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-04-2025 Heard Mr. Shailendra Kumar Dwivedi, learned

counsel for the petitioner and Mr. Gauri Shankar Gupta, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 2965(C) of 2017, dated
02.08.2017 for the offences punishable under Section 498(A) of
the Indian Penal Code and Section 4 of Dowry Prohibition Act.

3. As per the First Information Report, the marriage of
the complainant was solemnized on 06.04.2013 with Mithilesh
Kumar(petitioner) thereafter, petitioner along with others started
demanding dowry and on non-fulfillment she was subjected to
torture, cruelty and harassment. It is further alleged that the



petitioner has solemnized another marriage with Rohini Kumari on 26.03.2019.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case.

5. Vide order dated 20.11.2024 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.

6. Learned counsel for the petitioner outrightly submits that petitioner is ready to keep the Opposite No.2.

7. The learned Additional Public Prosecutor and learned counsel for the complainant has vehemently opposed the prayer for bail of the petitioner. Learned counsel for the complainant on instruction submits that petitioner has already performed his second marriage so complainant is not in a position to live with the petitioner and apart from that complainant has filed Maintenance Case No.453 of 2022 which is pending for consideration before the court of the learned Principle Judge/Family Court, Patna.

8. 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. Patna in connection with Complaint Case No. 2965(C) of 2017, 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)

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