

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61825 of 2024

Arising Out of PS. Case No.-1072 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Chhotu Kumar S/o- Bantu Sahni, Resident of Village- Keshopatti, PS-
Musarigharari, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Lalita Devi Wife of Chhotu Kumar, Resident of Village- Keshopatti, PS-
Musarigharari, District- Samastipur, P/A- Village- Harsinghpur, Tara, PS-
Sarairanjan, Dist- Samastipur.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-01-2025 Heard Mr. Surya Narayan Roy, the learned counsel

for the petitioner, the learned counsel appearing on behalf of
complainant and Ms. Shaheen Begum, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Samastipur Complaint Case No. 1072 of 2023,
registered for the offences punishable under Section 498(A) of
the Indian Penal Code and under Section 4 of the Dowry
Prohibition Act.

3. According to the prosecution case, the petitioner
ousted the complainant from her matrimonial house due to non-
fulfillment of dowry demand.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the complainant petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. He further submits that petitioner is ready to keep the complainant as his wife with full honour and dignity.

5. Vide order dated 20.11.2024, the matter was referred to the Patna High Court Mediation Centre for settlement of dispute between the parties.

6. Learned counsel for the petitioner fairly submits that despite indulgence granted to the complainant, she chose not to appear before the learned mediator on any date to resolve the dispute between the parties.

7. The learned counsel for the complainant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on



anticipatory 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 Sub-Divisional Judicial Magistrate, Samastipur, where the case is pending in connection with **Samastipur Complaint Case No. 1072 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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