

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61745 of 2024

Arising Out of PS. Case No.-1818 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Mithilesh Kumar Bharti @ Mithlesh Kumar Bharti Son of Ganesh Mahto,
Resident of Village- Gehumi, Shivdhara, Ward No. -7, P.S.- Mabbi O.P.,
District- Darbhagan.

... .. Petitioner

Versus

1. The State of Bihar.
2. Madhu Kumari Wife of Mithlesh Kumar Bharti @ Mithlesh Kumar Bharti,
Daughter of Ram Swarth Mahto, Resident of Village- Gehumi, Shivdhara,
Ward No. -7, P.S.-Mabbi O.P., District- Darbhanga, at present residing at
C/O- Ram Swarth Mahto, Village-Akbarpaur, Mathurapur, P.S.-Mathurapur
O.P. (Warisnagar), District- Samastipur.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2025 Heard Mr. Abhishek Kumar, the learned counsel

for the petitioner, the learned counsel appearing on behalf of
complainant / opposite party no. 2 and Mr. Suresh Prasad Singh,
the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with T.R. No. 2680 of 2024, arising out of
Complaint Case No. 1818 of 2023, registered for the offences
punishable under Section 498(A) read with Section 4 of the
Dowry Prohibition Act.

3. According to the prosecution case, the complainant



/ opposite party no. 2 and her child were ousted 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 merely on the ground that petitioner is husband of the complainant.

5. Vide order dated 17.09.2024, the matter was referred to Patna High Court Mediation Centre for settlement of dispute between the parties. The report dated 18.11.2024 of the learned mediator reveals that dispute between the parties have been resolved through the process of mediation and both the parties have agreed to settle the dispute and a memorandum of agreement was also signed by the both the parties on 18.11.2024 and in terms of the memorandum of agreement dated 18.11.2024, the complainant / opposite party no. 2 has received Rs. 4,00,000/- (Rupees four lakhs only) from the petitioner and both the parties have also agreed to file divorce case under Section 13(B) of the Hindu Marriage Act, 1955, before the Principal Judge, Family Court, Samastipur. Apart from that, both the parties have also agreed not to file any case against each other and also withdraw the present Complaint Case No. 1818 of 2023 pending before the learned Sub-Divisional



Judicial Magistrate, Samastipur.

6. 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 **T.R. No. 2680 of 2024, arising out of Complaint Case No. 1818 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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