

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67008 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- MAHILA P.S. District- Bhojpur

Abhay Kumar Son of Nand Kishore Ray R/o Village-Bhatt Bigha, P.S.-
Chauri, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar, Advocate Ms. Priya Kumari, Advocate Mr. Deepak Kumar, Advocate Mr. Kundan Kumar, Advocate
For the Opposite Party/s :		Mr. Shyam Bihari Singh, APP
For the Informant	:	Mr. Maya Shankar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 04-08-2025 Heard Mr. Diwakar, learned counsel for the petitioner, Mr. Maya Shankar Mishra, learned counsel appearing on behalf of the informant as well as Mr. Shyam Bihari Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 29 of 2023, F.I.R. dated 01.06.2023 for the offences punishable under Sections 341, 323, 504, 506 and 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. According to prosecution case, this petitioner along with her family members tortured the informant physically and mentally due to non-fulfillment of demand of dowry and even



try to kill her by pouring kerosene oil on her. It is further alleged that the accused persons also tried to outrage her modesty and they even assaulted her and her father and brother.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been 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 offences as alleged in the F.I.R.

5. Vide order dated 05.03.2024 the matter was referred to learned Mediator to resolve the dispute between the parties. Report of the learned Mediator dated 07.05.2024 reveals that the dispute between the parties could not be resolved through the process of mediation.

6. After the aforesaid report, learned counsel for the petitioner informed this Court that he is ready to keep the informant as his wife with full honor and dignity. In view of aforesaid submission this Court has directed the petitioner to bring back the informant to her matrimonial house within a period of two weeks.

7. Learned counsel for the petitioner has filed an affidavit stating therein that one Surya Kumar @ Suraj Kumar



who happens to be younger brother of the petitioner has gone to the house of the informant to take her back on 25.07.2025 but she has refused to come with him.

8. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that in the mediation process the petitioner in the presence of learned Mediator submits that he is not ready to keep the informant as his wife and apart from that the brother of the petitioner never went to the house of the informant to take her back as stated in the supplementary affidavit.

9. 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 Sub Divisional Judicial Magistrate, Ara in connection with Mahila P.S. Case No. 29 of 2023, 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 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)

Vanisha/-

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

