

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72823 of 2024

Arising Out of PS. Case No.-868 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Manish Kumar Son of Sunil Paswan Resident of Village - New Devi Asthan
Katari Hill, Police Station - Chandauti, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Paswan Son of Late Vishram Paswan Resident of Village -
Katari Hill, Police Station - Chandauti, District - Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kamal Kumar Sinha, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Sheikh Arkan Ahmad, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-04-2025 Heard Mr. Kamal Kumar Sinha, learned counsel for

the petitioner, Mr. Bhanu Pratap Singh, learned APP for the State

as well as Mr. Sheikh Arkan Ahmad, learned counsel for the

Informant.

2. The petitioner is apprehending his arrest in

connection with Complaint Case No. 868 of 2021 dated

14.09.2021 registered for the offences punishable under Sections

498(A), 366, 323, 406/34 of the Indian Penal Code and Sections

34 of the Dowry Prohibition Act.

3. Allegation against the petitioner in the complaint

petition that on 05.03.2021 at about 7:00 A.M. the complainant's

daughter namely Nandani Kumari aged about 13 ½ years went



outside the house to purchase some things and petitioner along with co-accused were present there and in the meantime petitioner caught Nandani Kumari and took her to Akhil Bhartiya Ravidasiya Dharm Sangathan Ikai, Gaya from his motorcycle with co-accused Ravi Kumar.

4. Learned counsel for the petitioner submits that the complaint petition has been filed under Sections 498A, 366, 323, 406/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act but the learned Court below has taken cognizance against the petitioner only under Sections 323 and 498A of the Indian Penal Code and the learned Court below has categorically stated that no case is made out under Sections 366, 406/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

5. Learned counsel for the petitioner submits that the allegation as alleged in the complaint petition is false and fabricated and even the petitioner has not performed the marriage with the complainant's daughter and the family members of the complainant have forcefully performed the marriage with the petitioner and apart from that learned counsel for the complainant has produced the marriage certificate which suggests that although the Akhil Bhartiya Ravidasiya Dharm Sangathan Ikai, Gaya has issued a marriage certificate but from perusal of the certificate, it appears that there is no signature of



the petitioner and even the signature of the complainant's daughter is missing from the Certificate.

6. Vide order dated 22.01.2025, the matter was referred before the learned Mediator for settle the dispute between the parties. The report of the learned Mediator dated 05.03.2025 reveals that despite of best efforts, the dispute between the parties could not be resolved.

7. Learned counsel for the petitioner submits that in view of the aforesaid it transpires that the complainant's family has performed the marriage forcefully with the petitioner and apart from that learned Court below has also taken note of the aforesaid.

8. Learned counsel for the complainant as well as learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

9. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 868 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section



482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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)

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