

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72798 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- PHULPARAS District- Madhubani

Nitish Kumar Son of Ram Udgar Yadav Resident of Village- Sijauliya, P.S.-
Phulparas, Distt.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kapileshwar Yadav Son of Jholi Yadav Resident of Village- Sijauliya, P.S.-
Phulparas, Distt.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav, Advocate
	:	Mr.Ravi Prakash, Advocate
	:	Mr. Uudeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-05-2025 Heard Mr.Gagandeo Yadav, learned counsel for the

petitioner and Ms. Sucheta Yadav, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Phulparas P.S.Case No.371 of 2023, FIR
dated 09.07.2023 registered for the offences punishable under
Sections 498A/34 of IPC.

3. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due
to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that



the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the petitioner has been made accused in the present case merely on the ground that the petitioner is husband of informant.

5. Vide order dated 22.01.2025, the matter was referred before the learned Mediator to settle the dispute between the parties but the report of the learned Mediator dated 21.03.2025 reveals that the dispute between the parties could not be settled through the process of mediation.

6. Learned counsel for the petitioner submits that the petitioner is ready to settle the dispute with the opposite party No.2 and he has offered one time settlement to a tune of Rs. Two Lacs to the opposite party No.2.

7. Learned counsel for opposite party No.2, on instruction, submits that opposite party No.2 is not ready to settle the dispute to a tune of Rs. Two Lacs.

8. In view of the aforesaid, this Court has no other option to grant the privilege of anticipatory bail to the petitioner, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Phulparas P.S.Case No.371 of 2023, 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:-

(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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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