

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54495 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- Badem P.S. District- Aurangabad

Abhishek Upadhyay S/O Arvind Upadhyay R/O Village- Karaji, P.S- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Aachal Devi W/O Abhishek Upadhyay, D/O Sunil Dubey R/O Village- Harchandpur, P.O and P.S- Badem (O.P.), Distt.- Aurangabad (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Adv.
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP
For the informant	:	Mr. Shailesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-03-2026 Heard Mr. Tribhuwan Narayan, learned Counsel for the petitioner and Mr. Shailesh Kumar Singh for the informant.

2. The petitioner apprehends his arrest in connection with Badem P.S. Case No. 05 of 2025 for the offence registered under sections 115(2), 303(2), 85 of the BNS and $\frac{3}{4}$ of D.P. Act.

3. Learned counsel for the petitioner submits that they have come to an agreement that the lady will be entitled to Rs. 4,00,000/- as full and final settlement and they will be mutually separating themselves besides the dowry materials.

4. The submission is that the first installment of Rs. 2,00,000/- has already been paid and the draft to this effect has been brought on record by supplementary affidavit. The further



submission is that if granted relief, the second installment of Rs. 2,00,000/- will be presented by way of Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank at the time of the execution of the bail bond.

4. Learned Counsel for the opposite party no. 2 acknowledges that the parties have come to an agreement on the payment of Rs. 4,00,000/-.

5. In that background, since half of the amount has been paid and the petitioner is ready to pay the rest of the amount at the time of execution of the bail bond, the case is there, the Family Court, Aurangabad is also taking up the matter, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment Rs. 2,00,000/- through Demand Draft of local branch of the State Bank of India/any Nationalized Bank at the time of execution of bail bond.

6. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate-1st, Aurangabad in connection with Badem P.S. Case



No. 05 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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