

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6846 of 2017**

Arising Out of PS.Case No. -1073 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE  
District- SAMASTIPUR

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Sunil Kumar Mishra @ Sunil Mishra Son of Nityanand Mishra, Resident of  
Village/Mohalla- Bishanpur Bathua, P.S.- Pusa, District- Samastipur.

.... .... Petitioner

Versus

1. State of Bihar
2. Nibha Kumari Wife of Sunil Kumar, Resident of Vill/Mohalla-  
Bishanpur Bathua, P.S.- Pusa, District- Samastipur at Present residing at  
Dauther of Rampukar Jha, Village- Baini, P.S.- Tajpur(Baini) O.P.,  
District- Samastipur.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      13-02-2017                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned counsel appearing on behalf  
of the State.

The petitioner is apprehending his arrest in connection  
with Complaint Case No. 1073 of 2016 for the offence instituted  
under Section 498A of the Indian Penal Code and Section 3/4 of  
the D.P. Act.

The allegation against the petitioner is of committing  
mental and physical torture upon the complainant for demand of  
dowry. It is further alleged that from their wedlock, a mentally  
retarded child was born and the petitioner brought the  
complainant at Delhi at the house of his brother for treatment and  
his treatment got started in AIIMS, where she was treated badly.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. From perusal of the order of the Sessions Court, it appears that the petitioner and the complainant both had appeared for the purpose of counseling. The petitioner is ready to keep the complainant but the complainant has raised apprehension that the petitioner will not keep her with all due respect. Hence, counseling has failed.

On behalf of the State and the counsel for the complainant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No. 1073 of 2016, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Amit/-

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