

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47597 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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Nitish Kumar Mishra Son of Ramanuj Mishra, R/o Village- Chand, P.S.- Chand in the District of Kaimur at Bhabua.

.... Petitioner

Versus

1. The State of Bihar.
2. Priti Devi W/o Nitish Kumar Mishra, D/o Dauleshwar Pandey, R/o Village & P.S.- Chand, District- Kaimur at Bhabua, at present Village- Chhajupur Pokhara, Karmnasha, P.S.- Durgawati, Kaimur, Bhabua.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Braj Nandan Kumar Tiwary, Advocate.

For the State : Mr. Narendra Kumar Singh, Advocate.

For the O.P. No. 2 : Mr. Tribhuwan Narayan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-12-2017 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A), 379/34 of the IPC and 3/4 of the D.P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-fulfillment of demand of dowry.

Vide order dated 10.10.2017, the matter was referred



to the Mediation and Reconciliation Centre of the Patna High Court. As per the report of the Mediator, mediation has failed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Kaimur at Bhabua, in connection with Mahila (Bhabua) P.S. Case No. 39 of 2017, subject to the conditions as laid down under Section 438(2) of the



Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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