

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23809 of 2016

Arising Out of PS.Case No. -9 Year- 2015 Thana -MAHILA P.S. District- SITAMARHI

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Madhusudan Mishra @ Munchun Mishra @ Madhusudan Kr. Mishra, Son
of Shree Krishna Chandra Mishra, resident of village- Hashaur PS Belsand,
District Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Punam Devi, Wife of Sri Madhusudan Mishra, resident of village-
Hashaur, P.S. Belsand, District-Sitamarhi. At present-D/O Sri Kamlesh
Jha, R/O Village- Sugia Katsari Jagir, P.O.+ P.S.+ District-Sheohar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Arvind Kumar Jha, Advocate.
For the State : Mr. Pronoti Singh, A.P.P.
For the O.P. No. 2 : Mr. Ashok Kumar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 17-03-2017 Heard learned counsels for the petitioner, informant and

learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Sitamarhi (Mahila) P.S. Case No. 09 of 2015 for the offences
instituted under Sections 341, 323, 498(A), 504 of the IPC., and ¾
of the D.P. Act.

The prosecution story, in brief, is that the informant was
married with this petitioner according to Hindu rites and customs
on 17.04.2014. After marriage, she went to her *Sasural*.
Thereafter, the accused persons started making demand of Rs.



5,00,000/- from her for doing business and told that they will not allow her to live in the house, if the demand of dowry is not fulfilled. They started committing torture, stopped to provide her meal, medicine and also abused and assaulted her. On 29. 03.2015, all the accused persons made efforts to set the informant on fire after sprinkling Kerosene Oil on her body. On hulla, the villagers arrived and saved her. Thereafter, they continued to commit torture with her. Her father came and took the informant to his house.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner.

Both the parties are present in the Court. It has jointly been submitted on behalf of learned counsels for the petitioner and the informant that the matter has been settled between the parties and they have mutually agreed to stay together. The petitioner undertakes to keep the informant with all due respect and dignity.

Considering the fact that the petitioner and the informant have mutually agreed to stay together, let the petitioner above named, be released on 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 Sitamarhi (Mahila) P.S. Case No. 09/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sadar, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The informant shall be present in the court below on the date of furnishing bail bond by the petitioner and the petitioner shall be obliged to take the informant alongwith him with all due respect and dignity as per the submission made by him in this Court failing which, the bail bond of the petitioner shall not be accepted by the court below.

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(Sudhir Singh, J)

