

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13154 of 2019

Arising Out of PS. Case No.-101 Year-2017 Thana- KALYANPUR District- East Champaran

NITESH KUMAR SHARMA, Son of Nagina Sharma. Resident of Village -
Balmi Sirishiya, P.S.- Kalayanpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niru Devi, Wife of Nitesh Kumar Sharma, D/o Prabhu Sharma, at present
resident of Village - Madhubani, P.S.- Sangrampur, District- East
Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioner as well as
learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 379, 307, 504, 506,
120B of the Indian Penal Code and Section 3 / 4 of the Dowry
Prohibition Act.

By order dated 11.04.2018, passed in Criminal
Miscellaneous No.10796 of 2018, the petitioner was allowed
provisional bail for the purpose of conciliation and settlement of
dispute with the wife. The court below was directed to take step
for conciliation and if the petitioner would be found co-operative,
the provisional bail shall be confirmed by the court below and if
the petitioner would not be found co-operative, the bail bond of



the petitioner shall be cancelled.

The order dated 26.11.2018 passed by the court below reveals that the petitioner was not found co-operative. Hence, provisional bail granted to the petitioner was cancelled by the court below and the petitioner was taken into custody and since then the petitioner is in custody.

Prayer is for bail.

Learned counsel for the informant opposed the prayer for bail.

Considering the nature of allegation and the period already undergone by the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Kalayanpur Police Station Case No.101 of 2017, subject to condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below and the petitioner shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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