

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54314 of 2019

Arising Out of PS. Case No.-1165 Year-2017 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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ATUL KUMAR MISHRA Son of Krishna Kumar Mishra Resides at House
no. 558 Satyam Colony Narayan Bagh Tiraha, P.S.- Kotwali, Distt - Jhanshi
(Uttar Pradesh)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Purnima Priya Wife of Atul Kumar Mishra Resides at House no. 558 Satyam
Colony Narayan Bagh Tiraha, P.S.- Kotwali, Distt - Jhanshi (Uttar Pradesh).
D/O Phulkant Jha, Presently resides at village - Dih Buchauli, P.S.- jandaha,
Distt - Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Bela Singh
For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 12-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party No.2.

The petitioner was granted anticipatory provisional
bail vide order dated 30.08.2019.

Allegation against the petitioner is of committing
torture upon the victim due to non-fulfilment of demand of



dowry.

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 due to petty family dispute. The case is triable by the Magistrate. The petitioner has 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 State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner vide order dated 30.08.2019 is, hereby, confirmed in connection with Trial No.3395 of 2017 arising out of Vaishali Complaint case No.1165 of 2017, pending in the court of Additional Chief Judicial Magistrate XVth, Vaishali.

The petitioner is residing at Jhanshi in the State of Uttar Pradesh. Hence it would not be possible for him to attend the court on each and every date. Under the circumstances, the



petitioner is exempted from the third condition imposed vide
order dated 30.08.2019.

(Sudhir Singh, J)

Narendra/-

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