

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43575 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- BANIAPUR District- Saran

SHAILESH MISHRA @ ANKIT MISHRA Son of Late Shambhunath Mishra
Resident of Village - Dhangaraha Tole Gopolpur, P.S.- Baniyapur, Dist.-
Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Mishra W/o Shailesh Mishra @ Ankit Mishra @ D/o- Late Shivrath
Tiwary At present Resident of Village - Marhowrah Baish Tola, P.S.-
Marhowrah, Distt.- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

Further, counsel for the petitioner is permitted to
make necessary correction in the address portion of the
petitioner in the bail application.

The petitioner is apprehending his arrest in connection
with Baniyapur P.S. case No.36/21 registered under Sections
341, 323, 498A/34 of the Indian Penal Code.

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. 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, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M., Chapra, Saran in connection with Baniyapur P.S. case No.36/21, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with



two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

Narendra/-

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