

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34708 of 2022**

Arising Out of PS. Case No.-466 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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SURESH KUMAR VISHWAKARMA @ SURESH MISTRY S/o Late Arjun
Mistry Resident of Village- Arap, P.O.- Arap, P.S.- Bikram, District- Panta.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mala Kumari W/o Suresh Kumar Vishwakarma @ Suresh Mishtry Resident
of Village- Arap, P.S.- Bikram, District- Patna pin Code 880114, Naihar
Address- Daughter of Ramnath Bishwakarma, Resident of Village and P.O.
Panditganj, Police Station- Kadirganj, District- Patna. Present Address
Mohalla- Mahadeo Ashthan, P.O.- Begampur, Police Station- Bypass,
District- Patna. Pin Code- 800009.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Nand Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 27-09-2022 Heard the parties.

The petitioner apprehends his arrest in a case registered
under sections 323, 498A of the Indian Penal Code and 4 of D.P.
Act.

The allegation against the petitioner is of torturing the
informant in association of his family members on account of
non-fulfillment of demand of dowry.

It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
Petitioner has never made any dowry demand and has been



falsely implicated in the present case mostly on suspicion and grudge. There is general and omnibus allegation against the petitioner. 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.***

In view of the matter, let the above named petitioner 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, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Complaint Application No. 466 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Petitioner is ready to pay Rs.4000/- (Rupees Four Thousand) per month to opposite party No.2 in the first week of every month, for her maintenance, as per the bank account details furnished by her in the learned Court below.

It is made clear that if the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 shall be at liberty to move before the learned Court below



for cancellation of the bail bond of the petitioner.

It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceedings.

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.

Learned court below is directed to issue notice to O.P. No.2 to furnish the bank account details in which the petitioner will deposit the said amount.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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