

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4442 of 2023

Arising Out of PS. Case No.-312 Year-2022 Thana- PIRPAINTI District- Bhagalpur

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VIJAY BHARTI S/O LATE JANAK BHARTI Resident of village- Gurua,
P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANJANA SONI D/O LATE DEO NARAYAN MISHRA, W/O VIJAY BHARTI Resident of H/O- Sikander Singh, Surabh Pat Near Shiv Mandir, News Jakkanpur, P.S.- Gardanibagh Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs.Soni Srivastava, Adv. Mr.Prem Ranjan Raj, Adv.
For the Opposite Party/s :		Mr.Akbar Ali, APP Mr.Praveen Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 10-04-2023 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable u/s 341, 323, 307, 120B, 498A, 504, 506, 34 of the Indian Penal Code.

Petitioner, who is husband of informant, is said to have tortured the informant and made demand of Rs.25 Lakhs from the maternal uncle of the informant. It is alleged that she was subjected to cruelty on protest of illicit relationship of the petitioner.

It is submitted by learned counsel for the petitioner that



the petitioner is an innocent person and has committed no offence. Petitioner has neither never tortured or tormented the informant and is falsely implicated in this case to grab the paternal property of the petitioner. The present case has been lodged against the petitioner under the influence of the maternal uncle of the informant. 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 that 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 connection with Pirpanti P.S. Case No.312 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is ready to pay Rs.15,000.00 (Rupees Fifteen Thousand) per month to the informant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant shall be at liberty to



move before the learned Court below for cancelling the bail bond of the petitioner.

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

Learned counsel for the O.P. No.2 is directed to furnish the bank account details of O.P. No.2 before the learned court below. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant after she furnishes her bank account details.

If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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