

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8877 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

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Vikash Mishra @ Vikash Kumar Mishra @ Jhunjhun Mishra @ Jhunjhun
Kumar Mishra Son of Sri Pramod Mishra Resident of village - Bijwaniya,
P.S.- Chanpatia (Sirisiya), District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Devi Wife of Sri Vikash Mishra @ Jhunjhun Mishra @ Vikash
Kumar Mishra Jhunjhun Kumar Mishra Daughter of Sri Hridayapati
Tripathi, Resident of village - Shastrinagar, Ward No.- 14, P.S.- Bagaha
(Pathkhauri), District - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Informant	:	Mr. Aditya Pandey, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.01.2023 in connection with Bagaha Mahila P.S. Case No. 49
of 2022, F.I.R. dated 27.05.2022 for the offences punishable
under Sections 341, 323, 494, 498-A, 307, 379/34 of the Indian
Penal Code and Section 3/4 of Dowry Prohibition Act.

Petitioner, who is husband of the complainant is said
to have ousted the complainant/informant from her matrimonial



home in association of her family member over the dowry demand.

Earlier the petitioner was granted provisional bail vide order dated 17.04.2023 for a period of two months and the matter was referred to the Patna High Court, Mediation and Conciliation Centre for the settlement of the dispute between the parties. Report of the learned Mediator dated 18.05.2023 reveals that inspite of best and sincere efforts, the dispute between the parties could not be resolved through the process of mediation and the mediation has thus failed.

Learned counsel for the petitioner submits that the petitioner has surrendered before the learned Court below on 30.06.2023 because the provisional bail was granted only for a period of two months. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the informant has demanded Rs.17 lacs but the petitioner was not in a position to pay the said amount to the informant / complainant.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and



submits that in fact the petitioner has performed the second marriage and they have produced the forged document before this Court.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha Mahila P.S. Case No. 49 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the



petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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