

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.24249 of 2023**

Arising Out of PS. Case No.-54 Year-2021 Thana- BABUBARHI District- Madhubani

GOVIND KUMAR MISHRA Son of Late Ram Lakhan @ Ram Lakhan  
Mishra Resident of village - Pirhi, P.S.- Babubarhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

9      21-09-2023                      Heard learned counsel for the petitioner and OP.  
  
No.2, who is appearing in person in the Court, and also  
  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
  
Babubarhi P.S. Case No. 54 of 2021 registered for the offence  
  
under Sections 323, 341, 354(B), 494, 498(A), 504 and 506  
  
of the Indian Penal Code.

The petitioner is alleged to have performed  
  
marriage with the O.P. No.2 concealing the fact that he is  
  
already married to the another lady and when O.P. No.2 has  
  
raised her voice, she was subjected to assault and torture  
  
and she along with her family members have been  
  
threatened of life.



Pursuant to the order dated 30.08.2023 passed by this Court, the petitioner has surrendered before the court below on 02.08.2023 and since then he is in judicial custody.

A rejoinder to the counter affidavit has been filed on behalf of the petitioner, which is kept on record.

Learned counsel for the petitioner, at the very outset, produced two demand drafts amounting to Rs. 40,000/- each dated 19.09.2023 bearing DD No. 108261 and 108262 issued by the Punjab National Bank, Benipatti, Madhubani, Bihar to be payable in favour of O.P. No.2, namely, Sonam Kumari and the same are handed over to the informant in the Court proceeding.

Learned counsel for the petitioner further submits that the aforesaid demand drafts are against the arrears of maintenance amount of Rs. 5000/- which was awarded by a co-ordinate Bench of this Court vide order dated 30.06.2022 passed in Cr. Misc. No. 63024 of 2021 on the basis of undertaking given by the petitioner while granting anticipatory bail to the petitioner. Now, the order dated 30.06.2022 has fully been complied with and he also undertakes to pay the installment amount of Rs. 5000/- per month to the informant by depositing it in the account of O.P.



No.2 till the disposal of the matrimonial suit, if any, and seeks bail to the petitioner stating that he is a Central Government employee and his further incarceration would affect his professional life.

Learned A.P.P. for State and O.P. No.2, who is present in the Court, acceded to the submission advanced by the learned counsel for the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Madhubani/ Incharge Successor Court in connection with Babubarhi P.S. Case No. 54 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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.

Nonetheless, to say that if the petitioner fails to deposit the maintenance amount of Rs. 5000/- as undertaken by him, in the account of O.P. No.2 on two consecutive months till the disposal of appropriate matrimonial proceeding, the bail bonds of the petitioner automatically stand canceled without reference to the Court.

**(Rajesh Kumar Verma, J)**

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