

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27511 of 2023

Arising Out of PS. Case No.-261 Year-2019 Thana- FATEHPUR District- Gaya

Bhushan Mishra S/O Late Naresh Mishra R/O Village/Mohalla- Gajadharpur,
P.S- Mohanpur, Distt.- Gaya, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakhi Kumari W/O Bhushan Mishra, D/O Narmadeshwar Upadhyaya
Presently at Village- Bhetaura, P.S- Fatehpur, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Avinash Kumar Singh, Advocate
For the State	:	Mr.Nand Kumar, APP
For opposite party No.2	:	Mr.Ujjawal Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party No.2

The petitioner is apprehending his arrest in a case registered under Sections 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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 due to petty family dispute. 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 and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below/concerned Court in connection with Fatehpur P.S. case No.261 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner is directed to co-operate during the trial. If the petitioner does not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioner.

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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