

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32058 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- MAHILA PS District- Buxar

VIVEK KUMAR MISHRA Son of Sachidanand Ojha Resident of Village -
Basahi, P.S.- Rajpur, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari Daughter of Om Narayan Mishra Resident of Village and Post
Office - Yogia, P.S.- Brahampur, District - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Pathak
For the Opposite Party/s	:	Mr. Shailendra Kumar
	:	Mr. Gopal Swaroop Dubey
	:	Mr. Ashok Kumar Garg

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2023

Heard the parties.

The petitioner apprehends his arrest in a case registered under sections 323, 313, 498(A), 504 and 506/34 of the Indian Penal Code and 3/4 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 and of ousting her out of the matrimonial house.

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.***

Petitioner is ready to pay Rs.10,000/- (Rupees Ten 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.

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 connection with Buxar Mahila P.S. Case No. 52/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

Learned counsel for the O.P. No.2, under instructions, submits that O.P. No.2 undertakes to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned Court below.

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.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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