

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35533 of 2023

Arising Out of PS. Case No.-732 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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NIRAJ KUMAR MISHRA, S/O NAWAL KISHORE MISHRA, R/O Village-
Mau Bazar, P.S- Vidyapati, Distt.- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Vinita Kumari, W/O Niraj Kumar Mishra, D/O Deo Narayan Mishra, R/O
Village- Kalyanpur, P.S- Kalyanpur, Distt.- Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Sunil Kumar Yadav, Advocate.
For the State	:	Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 498(A) of the I.P.C.

Allegation against the petitioner is of committing
torture upon the victim due to non-fulfilment of demand of
dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged
against the petitioner. The petitioner has falsely been implicated
in the present case due to petty family dispute. The petitioner is



the husband of the victim. The case is triable by the Magistrate. The petitioner has further 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 learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below/concerned court, in connection with Samastipur Complaint Case C.R. No. 732 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)

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