

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38405 of 2023

Arising Out of PS. Case No.-1633 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Raj Kumar Mishra, Son of Late Brij Bihari Mishra, Resident of Purab Mohalla, Jagdishpur, P.S. Jagdishpur, District Bhojpur.
 2. Pradeep Mishra @ Pradeep Kumar Mishra, Son of Late Brij Bihari Mishra, Resident of Purab Mohalla, Jagdishpur, P.S. Jagdishpur District Bhojpur
 3. Asha Devi @ Asha Mishra Wife of Raj Kumar Mishra Resident of Purab Mohalla Jagdishpur P.S. Jagdishpur District Bhojpur
 4. Mamta Devi @ Mamta Mishra, Wife of Pradeep Mishra @ Pradeep Kumar Mishra, Resident of Purab Mohalla, Jagdishpur P.S. Jagdishpur, District Bhojpur

... .. Petitioners

Versus

1. The State of Bihar
2. Priyanka Kumari, Wife of Late Vipul Mishra, Daughter of Chandrashekhar Pandey @ Munna Pandey, Resident of Village- Behea P.S.- Behea, District- Bhojpur

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP
For the Complainant	:	Mr. Gopal Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned counsel for the complainant as also learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Complaint Case No. 1633 (c) of 2022 in which cognizance has been taken for the offences punishable under Sections 504, 506 of the Indian Penal Code and Section 3/4 of the Witch Craft Prohibition Act. The petitioners have no criminal antecedent.

3. As per the prosecution story, the complainant got



married with Vipul Mishra on 07.12.2012 and they had a daughter out of the said wedlock. After few days of the marriage, the husband of the complainant was shot dead by some criminals. Thereafter, the petitioners started torturing the complainant, they also kept away all her belongings and ousted her from her matrimonial house. When the complainant along with her father and witness went to her matrimonial house to bring her belongings, the petitioner no. 2 abused her, the petitioner nos. 3 and 4 stopped her from entering her into the house and one Gaurav Mishra took away her gold chain worth Rs.75,000/-. One Pradeep Mishra (petitioner no. 2) also took away the gold locket of her daughter.

4. Learned counsel for both the sides agree that this matter may be amicably resolved through mediation process and for that purpose, the learned court below may be directed to send the records to the mediation center attached to the District Court for mediation.

5. In course of submissions, learned counsel for the petitioners has placed before this Court with reference to the statements made in paragraph '11' of the present application that the petitioners are regularly paying some amount to the complainant and are also paying the fee of the school of the minor daughter of the complainant who is studying in St. Xavier School



at Jagdishpur and they have never objected to her regular visit to her *maika*.

6. Learned counsel for the petitioners once again submits that the petitioner nos. 1 and 3 who are the own father-in-law and mother-in-law of the complainant are ready to pay a sum of Rs.4,000/- per month for the present in the account of the complainant subject to any order which may be passed by a competent court in appropriate proceeding and such payment shall be made within first ten days of every month.

7. It is further submitted that apart from this amount, the school fee of the minor daughter shall be continuously deposited by the petitioner nos. 1 and 3 and these are being done to show the bonafides of the petitioners.

8. Having regard to the aforesaid offer and the assurance given by and on behalf of the petitioners, learned counsel for the complainant does not oppose the prayer for anticipatory bail of the petitioners.

9. In the facts and circumstances, let in case of their arrest or surrender in connection with the present case within four weeks from today, the petitioners shall be released on bail in connection with Complaint Case No. 1633(c) of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the



satisfaction of the learned Judicial Magistrate, 1st Class, Bhojpur at Ara, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

11. And further condition that in terms of their offer, the petitioner nos. 1 and 3 shall pay a sum of Rs.4,000/- per month within first ten days of every month in the account of the complainant, subject to any other order which may be passed by an appropriate court in an appropriate proceeding and they shall continue to pay the school fee of the minor daughter of the complainant. Breach of this condition shall invite action towards cancellation of bail bond of the petitioner nos. 1 and 3.

12. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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