

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24567 of 2023

Arising Out of PS. Case No.-12 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

Kamlesh Kumar Mishra S/O Mayanand Mishra, Resident of village- Patti Tola, P.S.- Bhairav Asthan, District- Madhubani, presently at 346 A, Block-1, Lawyers' Chambers, Delhi High Court, New Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nilu Kumari W/O Kamlesh Kumar Mishra, Resident of Village- Patti Tola, P.S.- Bhairav Asthan, District- Madhubani, presently resident as D/O Anil Kumar Jha, Resident of Village- Nav Tola, P.S.- Lakhsaur (RSOP), District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey No.5, Advocate Mr. Sudhanshu Kumar, Advocate
For the Informant	:	Mr. Krishna Chandra, Advocate
For the Opposite Party/s	:	Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 05-03-2024 Heard Mr. Sanjay Kumar Pandey No. 5, the learned counsel for the petitioner, Mr. Krishna Chandra, the learned counsel for the Informant and Ms. Renu Kumari, the learned Additional Public Prosecutor for the State.

2. Pursuant to the order dated 28.07.2023, the matter was referred to the Patna High Court Mediation Centre for resolving the dispute between the parties, but the report dated 26.02.2024 of the learned mediator reveals that despite the best efforts, mediation could not succeed.

3. Learned counsel for the petitioner submits that petitioner is ready to pay Rs. 10,000/- (Rupees ten thousand) per



month to the informant, subject to result of the maintenance case which is pending before the competent Court of law.

4. Learned counsel for the informant as well as the learned APP for the State has no objection to the aforementioned submission made by learned counsel for the petitioner.

5. In view of the aforesaid, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Jhanjharpur, where the case is pending in connection with **Bhairav Asthan PS Case No. 12 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). 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.

(iii). 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.

(iv) Petitioner shall produce a Demand Draft of Rs. 10,000/- (Rupees ten thousand) at the time of furnishing his bail bond in favour of the informant namely, Nilu Kumari and learned Court below is directed to hand over the said Demand Draft to the Opposite Party No. 2 or her representative and petitioner shall pay Rs. 10,000/- (Rupees ten thousand) per month to the informant, and if the petitioner failed to comply with the aforesaid direction, the informant is given the liberty to move before the competent Court of law for cancellation of the bail bond of the petitioner.

(Rajesh Kumar Verma, J)

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