

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42914 of 2024

Arising Out of PS. Case No.-30 Year-2023 Thana- MAHILA P.S. District- Vaishali

Abhishek Mishra Son of Harinandan Mishra, Resident of Village- Ranabigha,
P.S. + P.O- Barh, Dist- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Nilam Kumari Wife of Abhishek Mishra, R/o- Raua Bigha PS- Barh, Dist- Patna. At present- Rajputnagar, Road no. 05, House No.-289 under Audhyogik Kshetra, PS- Hajipur, Dist- Vaishali.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Chetanand Paswan, Advocate
For the Opposite Party : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-10-2024 Heard Mr. Chetanand Paswan, the learned counsel
for the petitioner, the learned counsel for the informant and Ms.
Shaheen Begum, the learned Additional Public Prosecutor for the
State.

2. The petitioner is apprehending his arrest in
connection with Mahila PS Case No. 30 of 2023, FIR dated
20.10.2023, registered for the offences punishable under Sections
498A, 341, 323, 324, 379, 504 and 506 read with Section 34 of the
Indian Penal Code and under Section 3/4 of Dowry Prohibition
Act.

3. According to the prosecution case, the informant was
pressurized by her in-laws to bring rupees ten lakhs as dowry. It is
further alleged that the informant saw her husband in an



objectionable position with his sister-in-law and when she objected to the same they locked her in a room and took her sign on hundred rupees stamp paper. It is further alleged that the informant was given contraceptives so that she did not conceive.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that after filing of the divorce case, the present case has been filed by the informant only to harass the petitioner.

5. Learned counsel for the petitioner on instruction submits that petitioner is ready to pay Rs. 5,000/- (rupees five thousand only) per month to the informant as interim maintenance till the disposal of the maintenance case, if any.

6. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State have no objection to the aforementioned contentions made by the learned counsel for the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, 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 Sub-Divisional Judicial Magistrate, Hajipur (Vaishali), where the case is pending in connection with **Mahila PS Case No. 30 of 2023**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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 pay Rs. 5,000/- (Rupees five thousand only) at the time of furnishing the bail bond by way of



demand draft in favour of the complainant namely, Nilam Kumari and the learned trial Court is directed to hand over the said demand draft to the complainant or her representative, and the petitioner shall deposit Rs. 5,000/- (Rupees five thousand only) per month in the bank account of the complainant, furnished by the learned counsel for the complainant, which is as follows:

Name : Nilam Kumari
Account No. : 110173386820
IFSC Code : CNRB0004960

(v) If the petitioner fails to deposit Rs. 5,000/- (rupees five thousand only) per month in the said bank account of the complainant, the complainant shall be at liberty to move before the learned trial Court for cancellation of the bail bond of the petitioner.

(Rajesh Kumar Verma, J)

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