

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51756 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- MAHILA THANA District- Begusarai

Gaurav Kumar Mishra, Male, aged about 40 years, S/O Sunil Kumar Mishra,
R/O Village- Sherpur, P.S. Vidyapati Nagar, Dist. Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shivani Kumari, W/O Gaurav Kumar Mishra, D/O Late Parmanand Mishra,
at present resident at Chamtha Chhot Khunt, P.S. Bachhwara, Dist.
Begusarai.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Hare Krishna Prasad, Advocate
For the State	:	Mrs. Shaheen Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 24-01-2024 Learned counsel for the petitioner is permitted to
remove the defect(s) as pointed by the office, if any, within a
period of three weeks from today.

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

3. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 11 of 2022 dated
03.06.2022 registered for the offences punishable under
Sections 498A, 494, 504 and 506/34 of the I.P.C.

4. As per prosecution case, the petitioner and other
accused persons are alleged to have tortured the informant due
to non-fulfilment of Apache Motorcycle as dowry. Thereafter,



the petitioner was given Rs. 85,000/- for Apache Motorcycle and cash of Rs. 10,000/- by the informant's side but even then the informant was tortured by her in-laws. On 05.07.2021, the petitioner tried to kill her by pressing her neck and she was sent with her sister. On 24.07.2021 while she was in Mumbai with her sister, the co-accused Puja Singh being second wife of the petitioner sent videos and photos on Whatsapp showing that she had become wife of the petitioner. When the informant talked with the petitioner regarding his second marriage, he started assaulting her. Thereafter, the informant came to her sister's house at Mumbai. It is further alleged that on 15.05.2022 and 16.05.2022 the petitioner and the co-accused had abused and threatened her naihar people.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that the petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is further submitted that the informant herself does not want to live with the petitioner although the petitioner is ready to keep the informant with full regard and dignity as stated in paragraph



nos. 7 and 8 of the bail application. It is further submitted that the informant is living with her sister despite that the petitioner has been paying Rs. 25,000/- per month to her. The petitioner denies that he has solemnized second marriage with Puja Singh. Learned counsel for the petitioner has relied upon the judgments 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* and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation & Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.*, passed in *Criminal Appeal No. (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioner has further submitted that Section 498A of the I.P.C. is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6.Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on



furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Begusarai in connection with Mahila P.S. Case No. 11 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition:-

8. If so advised, either of the parties will be at liberty to make an application before the learned court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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