

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50115 of 2023

Arising Out of PS. Case No.-2551 Year-2021 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Birendra Rai @ Birendra Kumar Son Of Late Jagdish Rai Resident Of Village
- Kushiari Deva Chowk, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Annu Kumari Wife Of Birendra Rai @ Birendra Kumar Resident Of Village
- Kushiari Deva Chowk, P.S.- Bidupur, District- Vaishali Prsent Address /
Nahiyar Address- Annu Kumari, D/O- Harendra Rai Resident Of Village-
Gurmiya, Ps- Kartaha, Distt- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

Mr. Birendra Prasad Chaudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 5 06-05-2024 1. Heard learned counsel for the petitioner, learned
APP for the State along with learned counsel for the O.P. No.2.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 498(A) of the Indian Penal Code in connection with
Complaint Case No.2551 of 2021.
3. The case was taken up on 29.04.2024 when a
submission was made on behalf of the learned counsel



appearing on behalf of the petitioner that the case was referred for mediation, but then the mediation proceeding failed. On the said date Mr. Dhirendra Prasad Sinha was appearing on behalf of the O.P. No.2 who submitted that the mediation proceeding is still pending, as such the petitioner and the O.P. No.2 were directed to remain physically present today.

4. In compliance of the order dated 29.04.2024, the petitioner is present in the Court and Mr. Birendra Prasad Chaudhary, learned advocate who appears on behalf of the O.P. No.2 submits that the O.P. No.2 had taken the file from the office, as such he does not have any instruction in the matter that as to why the O.P. No.2 did not appear. It is also submitted that O.P. No.2 neither contacted the office nor Mr. Dhirendra Prasad Sinha, the learned advocate who represents him. It is further submitted that the learned counsel is junior to Mr. Dhirendra Prasad Sinha.

5. In view of the submissions made by the learned counsel appearing on behalf of the O.P. No.2, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No.2551 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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