

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No.44953 of 2009
KAUSHAL KISHORE MISHRA, S/o Sri Komal Kant Mishra
Versus
STATE OF BIHAR

2/ 26.02.2010

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case registered for the offence under Section 498 A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

There is allegation of demand and torture against the petitioner.

Learned counsel submits that the allegations are false. He submits that he has even filed a case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. He submits that the complainant herself has admitted that rupees two lakhs was given for procuring business under Hindustan Petroleum Ltd, which is annexed as Annexure-3. It would appear from the order of the learned Sessions Court that he has tried for conciliation with the parties but it has not been materialized.

After having heard the parties, this Court disposes of this anticipatory bail application with direction that if petitioner surrenders before the court below (Sub-Divisional Judicial Magistrate, East, Muzaffarpur in Complaint Case no. 343 of 2009 / Tr. No. 2517 of 2009) within six weeks from today and the girl namely Neelkamal Jha appears in the court and states that conciliation is possible then in such case the learned Magistrate would allow the petitioner on provisional bail for a few times and to be confirmed later on depending upon the

relationship that may continue between the parties. In case, such situation is not possible, the learned Magistrate will dispose of the bail application preferably on the same day without being prejudiced by this order.

Let this order be sent through FAX at the cost of the petitioner.

(Samarendra Pratap Singh, J.)

Uday/

