

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2273 of 2018

Arising Out of PS. Case No.-587 Year-2017 Thana- KATIHAR District- Katihar

Chandan Kumar Mishra, Son of Kunj Bihari Mishra, Resident of Mohalla 'O'
Bye-pass Road, Ward No. 03, Naya Bazar, Saharsa, P.S. + District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Hansa Shree D/o Arbind Kumar Suman, wife of Chandan Kumar Mishra presently residing at 2 No. Colony K.B.Jha College Road, P.S. - Nagar Thana, District - Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections of the Indian Penal Code.

Initially the prosecution case got initiated with filing of Complaint Case No.792 of 2012, which came to be registered as police case being Katihar Nagar (S) P.S Case No.587 of 2017, after its being transferred under Section 156(3) of the Code of Criminal Procedure. The prosecution case is that the informant/complainant used to reside separately from the husband-petitioner and on the date of occurrence she was



assaulted and threatened by the petitioner. On 03.07.2017, this petitioner came and started abusing, threatening and tried to assault the informant/complainant, but due to intervention of others her life could be saved.

It is submitted by learned counsel for the petitioner that petitioner and the informant are litigated terms due to matrimonial dispute and prior to lodging of the present case informant/complainant filed Complaint Case No. 792 of 2017 against the petitioner, wherein, process has been directed after cognizance being taken for the offences punishable under Section 498A of the IPC, when the petitioner got anticipatory bail in that case, then the present case has been lodged with malicious accusation. Though the petitioner is ready to keep the informant/complainant as wife with full honour and dignity and similar was the stand earlier also, but since the informant is a music teacher in high school she does not want to resume the conjugal life.

It is submitted by Mr. J. N. Thakur learned APP for the State that there is specific accusation against the petitioner.

Considering the nature of accusation arising out of matrimonial discord between the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest



or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar, in connection with Katihar Nagar P. S. Case No. 587 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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