

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25546 of 2022

Arising Out of PS. Case No.-639 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Pankaj Kumar Mishra @ Pankaj Kumar @ Pankaj Mishra Son of Sri
Devendra Mishra R/o Village & P.O. Khaira, P.S. Khaira & District Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Parwati Kumari Wife of Pankaj Kumar Mishra and D/o Parshuram Pandey
R/o Village & P.O. Khaira, P.S. Khaira & District Jamui, Presently Residing
At Mohalla Talimpur Kantahi, Ward No.14, P.S. Barh & District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Chandra
For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 386, 498(A),
406 and 34 of the Indian Penal Code.

Petitioner, who is husband of opposite party no.2, is said
to have ousted the opposite party no.2 from her matrimonial home
in association of his family members over the dowry demand.

It is submitted by learned counsel for the petitioner that
the petitioner is an innocent person and has committed no offence.
Petitioner has neither made any dowry demand nor drover her out
of her matrimonial home nor tormented her over the demand of
dowry. He is still ready to keep her with full honour and dignity.



The petitioner has relied upon the judgment 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***.

In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No.639/2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

Petitioner is ready to pay Rs.3000/- (rupees three thousand) per month to opposite party no.2 in the second week of every month for a period of one year. If the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 shall be at liberty to move before the learned court below for cancellation of bail bond of the petitioner.

It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

The learned court below is directed to issue notice to O.P. No.2 and obtain her account details on affidavit.



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 for one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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