

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24660 of 2022**

Arising Out of PS. Case No.-441 Year-2020 Thana- GAYA KOTWALI District- Gaya

HEERA LAL MISHRA S/o Sri Anath Mishra Resident of Village- Mahuda
More (Kandra), P.S.- Mahuda, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. SUMAN KUMARI W/o Heera Lal Mishra, D/o Late Rajkumar Pandey
Residing at Gurudwara Road, P.S.- Kotwali, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 31-08-2022 Heard learned counsel for the petitioner, learned counsel
for the opposite party no.2 and learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 498(A) 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 drove 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. It
is further submitted that the petitioner has filed divorce case in the
learned court below and thereafter the present FIR has been lodged



O.P. No.2. 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 Kotwali P.S. Case No.441 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

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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