

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42682 of 2021

Arising Out of PS. Case No.-210 Year-2019 Thana- BAKHARI District- Begusarai

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SANTOSH MISHRA @ SANTOSH KUMAR MISHRA Son of Uday Kant
Mishra Resident of Village - Bakhri, P.S. Bakhri, District begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate. Ms. Vaishnavi Singh, Advocate.
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate.
For the State	:	Mr. Pranav Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 09-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bakhri P.S. Case No. 210 of 2019 for the offence punishable
under Sections 341, 323, 324, 504, 506 and 498A/34 of the
Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.



Considering the nature of allegation and the matrimonial dispute which has taken place between the husband and wife for simple reason as has been informed by the learned counsel appearing on behalf of the petitioner that his wife who is the informant of this case wants to live separately from the mother and father of the petitioner and this has led the informant to resort to implicate the petitioner in a false case alleging that the petitioner used to torture her as per the provisions of Chapter 20(A) contained in Section 498A IPC. Learned counsel for the petitioner further submits that this is one of the case in which the provision of Section 498A IPC has been misused by the informant. His further submission is that the petitioner is not in a position to keep his wife in separate accommodation because he has to look after his old aged mother and father and a child. However learned counsel has given undertaking on behalf of the petitioner that the petitioner will take all measures to keep his wife along with him with full dignity and honour and provide her all financial requirement as well as money required for education of the child and his nutrition. If his wife does not agree to live with him in the matrimonial home, he is also ready to give her separate comfortable accommodation.

Learned counsel appearing on behalf of the informant



raised no objection and submits that if the undertaking which has been given by learned counsel in an open Court on behalf of the petitioner is fulfilled, the informant will not pursue with the matter any further.

Considering the rival submissions of the parties, counsels have taken their measures to arrive at an amicable settlement among the husband and wife which is the very objective of the matrimonial dispute, in such circumstances, the petitioner who wants to lead a happy matrimonial life, is directed to be enlarged on bail 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 CJM, Begusarai in connection with Bakhri P.S. Case No. 210 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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