

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13971 of 2023**

Arising Out of PS. Case No.-83 Year-2022 Thana- MAHILA P.S. District- Bhojpur

ASHISH PANDEY @ ASHISH KUMAR PANDEY S/O BRAJESH KUMAR
PANDEY Resident of Village- Babu Bazar, Kashi Niwas, P.S.- Ara Town,
District- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Opposite Party/s : Mr.Umanath Mishra
Mr.Awadhesh Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 17-05-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 341/323/504/506/498(A)/34 of the Indian Penal Code and Section 3 / 4 of Dowry Prohibition Act.

It is submitted on behalf of petitioner that petitioner happens to be husband of the informant and present case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault against him. It is further submitted that under a compelling situation, petitioner has filed Matrimonial Case No. 280 of 2022 (Annexure – 4) in the learned Court below for dissolution of marriage and sent notice to the informant and in response thereto, the informant has filed Maintenance Case No. 182 of 2022 in the court of learned Principal Judge, Family Court, Ara (Annexure 5) and



claimed maintenance of Rs. 70,000/- per month. It is next submitted that present case is triable by the learned Magistrate. In this connection, petitioner has relied upon a 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**.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Ara (Bhojpur) in connection with Ara Mahila P. S. Case No. 83 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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