

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44698 of 2023**

Arising Out of PS. Case No.-1603 Year-2019 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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ASHISH MISHRA S/O BRIJ KISHORE MISHRA @ BRAJ KISHORE
MISHRA @ BIRJU MISHRA R/O Village- Ward 14, Silaut, P.S- Samastipur
Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Devi @ Neha Devi W/O Ashish Mishra R/O Village- Ward 14, Silaut,
P.S- Samastipur Muffasil, Distt.- Samastipur at present D/O Bablu Jha, R/O
Gopalpur, P.S- Moro, Distt.- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Kant Mishra, Adv.
For the Opposite Party/s : Mr. Nand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 22-11-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 1603 of 2019, dated
23.10.2019, registered for the offence punishable under Sections
323, 504, 341, 379, 498A read with Section 34 of the Indian
Penal Code and Sections 3 & 4 of the D.P. Act.

4. As per the prosecution case, the petitioner and the



co-accused persons are alleged to have assaulted and ousted the complainant from her matrimonial house due to non-fulfillment of demand of Rs. 5,00,000/- as dowry. The petitioner and co-accused persons also snatched her ornaments.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner never tortured the complainant nor demanded any dowry. 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."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023.** The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

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



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga in connection with Complaint Case No. 1603 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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