

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46895 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- RAXAUL District- East Champaran

Nandu Prasad @ Nandu Raut Son Of Bechan Raut Resident Of Village-
Kodihar Chowk, Aadarsh Nagar, Ward No. 19, P.S.- Raxaul, Distt- East
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi Wife Of Nandu Prasad Resident Of Village- Kodihar Chowk,
Aadarsh Nagar, Ward No. 19, P.S.- Raxaul, Distt- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Adv
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Raxaul P.S. Case No. 146 of 2023 registered for
the offence punishable under Sections 341, 323, 325, 498(A)
and 504 of the Indian Penal Code.

3. The prosecution case is that there is allegation of
cruelty and mistreatment.

4. Learned counsel for the petitioner submits that in
the FIR, there is no allegation of any demand for dowry. The
marriage of the petitioner with the informant was solemnized 12
years back. The petitioner's earlier wife had died leaving behind



a son. After marriage with the instant informant, they were blessed with three children. In fact, the informant is inimical towards the son born out of the first wedlock, and on such basis, the instant case has been lodged twelve years after the marriage. From bare perusal of the allegations, offence under Section 498(A) would not be made out against the petitioner.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, East Champaran, Motihari, in connection with Raxaul P.S. Case No. 146 of 2023 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors
will be a close relative of the petitioner
who will give an affidavit giving



genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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