

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48337 of 2023

Arising Out of PS. Case No.-1047 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Lalan Mishra @ Lalan Kumar Mishra S/O Dudhnath Mishra R/O Village-
Babu Tola, Kharaur Mahna, Ps. Chanpatiya, Dist. West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/O Lalan Mishra @ Lalan Kumar Mishra, D/O Harendra Tiwari R/O Village- Babu Tola, Kharaur Mahna, Ps. Chanpatiya, Dist. West Champaran. Present Address- Village- Patkhauri, Post- Chuhadi, Ps.- Chanpatiya, Dist. West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the O.P. No. 2	:	Mr. Deovind Kumar Singh, Advocate
		Mr. Utpal Kant, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 5 17-10-2023 1. Heard learned counsel for the petitioner and learned counsel for the Opposite Party No. 2.
2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1047C of 2019 registered for the offence punishable under Sections 323, 494, 498A of the Indian Penal Code (for brevity 'I.P.C.').
3. The complaint case has been lodged under Section 498A, twenty two (22) years after the marriage. There are two major children born out of wedlock. The petitioner is stated to be a salesman in a medicine shop.



4. Learned counsel for the Opposite Party No. 2 submits that Opposite party No. 2 is desirous of living with the petitioner.

5. Learned counsel for the petitioner also submits that he has no objection, rather he is more than willing to reside with opposite party No. 2 and maintain her with full honour and dignity.

6. In view of such submissions, since parties are desirous of living together, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Bettiah, West Champaran, in connection with Complaint P.S. Case No. 1047C/2019, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented



on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

8. The Trial Court will review the position after three months and pass appropriate orders, which may include orders of cancellation of anticipatory bail being granted to the petitioner by this order.

(Madhuresh Prasad, J)

Raj kishore/-

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