

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65109 of 2023

Arising Out of PS. Case No.-454 Year-2022 Thana- BANIAPUR District- Saran

=====

Mukesh Kumar Mishra Son Of Nag Narayan Mishra Resident Of Village -
Lulha Dhanao, P.S. - Baniyapur, District - Saran (Chapra).

... .. Petitioner/S

Versus

1. The State Of Bihar.
2. Chandrawati Devi Wife Of Parmeshwar Mishra Resident Of Mohalla /
Village - Rauja, P.S. - Chapra Town, District - Saran (Chapra).

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Ashok Kumar Mishra, learned counsel

appearing on behalf of the petitioner and Mr. Shailendra Kumar

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Baniyapur P.S. Case No.454 of 2022 dated 06.09.2022
registered for the offence punishable under Sections 498A, 323,
306, 354 of the Indian Penal Code.

3. The allegation against the petitioner is of assaulting
and ousting the daughter of the complainant from her
matrimonial house for non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner has falsely been

implicated in this case. Petitioner is ready to keep his wife with full dignity and honor and he is also ready to fulfill her physical and financial desires and needs. Petitioner has taken steps to amicably resolve the estrange relationship between him and his wife and there is every likelihood that his wife would be ready to live with him.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that the petitioner is ready to live along with his wife, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on **provisional bail**, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra (Saran) in connection with Baniyapur P.S. Case No.454 of 2022 dated 06.09.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C and further condition that both the petitioner and his wife shall appear

before the District Court, Chapra (Saran) on 29.11.2023. In case of failure, the District Court, Chapra (Saran) is directed to extend the time so that petitioner can lead a happy matrimonial life.

8. If no complaint comes from the petitioner’s wife then his provisional bail shall be made absolute.

9. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J.)

Ashishsingh/-

U		T	
---	--	---	--