

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83090 of 2023

Arising Out of PS. Case No.-91 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Chanchal Kumar Mishra @ Chanchal Kumar Son Of Kailash Pati Mishra R/O
Mohallah- Hridayganj Simra Bagan, P.S.- Katihar Sahayak, Dist.- Katihar
... .. Petitioner

Versus

1. The State Of Bihar
2. Doli Kumari Wife Of Chanchal Kumar Mishra @ Chanchal Kumar, D/O
Late Ashok Jha R/O Mohallah- Hridayganj Simra Bagan, P.S.- Katihar
Sahayak, Dist.- Katihar At Present Residing At Village- Mansahi Jha Tola,
P.S.- Mansahi, Dist.- Katihar

... .. Opposite Parties

Appearance :

For the Petitioner :Mr.Bimal Kumar, Advocate

For the Opposite Party :Mr.Anand Kishore Choudhary, Addl Public Prosecutor
Mr. R.Ambastha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 13-05-2024 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 341, 498A, 323, 504/34
of the Indian Penal Code and sections 3 & 4 of the Dowry
Prohibition Act.

3. As per the prosecution case, petitioner along with
other family members committed torture on opposite party no.2
due to non-fulfilment of dowry demand.

4. Learned counsel appearing for the petitioner, while
denying the allegations, submits that the petitioner has falsely
been implicated in this case because he is husband of the
victim. However, in paragraph 2 of the supplementary
affidavit, it is stated that the petitioner has filed a matrimonial
case being Matrimonial Case No. 56 of 2023 for Divorce and
the opposite Party No. 2 has filed a petition U/S 24 of Hindu
Marriage Act and learned Family Court has directed to pay Rs.
7000/- per month as Maintenance. Petitioner is regularly



paying the maintenance amount in the bank account of opposite party no.2, which will be evident from the order dated 05.12.2023.

5. Learned counsel for the State as well as the informant does not controvert this fact.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let this petitioner, as named above, 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 the Sub Divisional Judicial Magistrate, Katihar in Nagar (Sahayak) Police Station Case No. 91 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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