

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2318 of 2024

Arising Out of PS. Case No.-446 Year-2021 Thana- CHANPATIA District- West Champaran

Satyendra Mishra @ Deepak Mishra S/O Late Ramashish Mishra R/O
Village- Bhaisai, Birti Tola P.S.- Chanpatiya, West Champaran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Mishra W/O Satyendra Mishra Resident Of Vill.- Bhaisahi Birti Tola,
P.S.- Chanpatiya, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Rishabh Mishra, Advocate
For the State	:	Mrs.Rina Sinha, A.P.P.
For the O.P.-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, today again,
nobody appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a case registered for the offences
punishable under Sections 323, 341, 498(A), 494 of the Indian
Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

3. As per prosecution case, the opposite party no. 2 was
married with this petitioner in the year 2010 and from the
wedlock, two children were born. It is alleged by the opposite
party no. 2 that in the year 2020, all the in-laws family
members including this petitioner started torturing her for



dowry and lastly, she alongwith her children was ousted from the matrimonial house. It is also alleged that husband of opposite party no. 2 solemnized second marriage with another lady in Delhi.

4. Learned counsel for the petitioner, while denying the allegations made in the F.I.R., submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the opposite party no. 2. The opposite party no. 2 herself left the house. However, petitioner is ready to keep the opposite party no. 2 with full honour and dignity. Moreover, the case is triable by the Magistrate. The petitioner has further 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***. Petitioner has got clean antecedent.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of 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 learned J.M. 1st Class, Bettiah (West Champaran) in connection with Chanpatiya P.S. Case No. 446 of 2021, subject to the



conditions, as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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