

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10607 of 2017

Arising Out of PS.Case No. -401 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

=====

1. SHAILESH KUMAR MISHRA @ SHAILESH KUMAR, S/o Sri Dinesh Chandra Mishra, Resident of Village Sudai, P.S. Jhanjharpur now Phulparas, District- Madhubani thereafter 1 wing, Flat No. 805, Palm Court Link Road, Malad West Mumbai presently residing at Taropor Tower, Flat No. 316 K Block, Lokhandwala, Oshiwara, Andheri Road, P.S. Andheri, at present C-901, Green Heritage, Sector 20, Kharghar, Navi Mumbai, Maharashtra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pragya Anand, Ex Wife of Shailesh Kumar, D/o Late Devendra Jha, at present residing at New Colony Balu Ghat, P.S. Town (Nagar), District- Muzaffarpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee

For the Opposite Party/s : Mr. Sri Rajesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-04-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 401 of 2011 instituted for the offence under Sections- 498A/406 of the Indian Penal Code and Section-4 of Dowry Prohibition Act.

The notice was issued to the wife , opposite party No. 2, which was received by her personally as per office report but neither the wife has appeared personally nor any lawyer has appeared on her behalf.



It has been submitted on behalf of the petitioner that Divorce Case has been filed in the year 2010 and thereafter, the instant complaint case has been filed by the complainant on 24-02-2011. The divorce case was decreed in favour of the petitioner on 10-07-2013 by Family Court, Mumbai at Bandra in Petition No. A-979 of 2010 by which, the decree of divorce was granted to the petitioner on the ground of cruelty u/S 13(1)(ia) of Hindu Marriage Act and the petitioner was directed to pay permanent alimony of Rs. 10,000/- per month u/S 25 of Hindu Marriage Act to the complainant. The petitioner was also directed to provide access to the complainant to daughters Ananya and Aastha, whenever she visits Mumbai.

Learned counsel for the petitioner submits that he is paying Rs. 10,000/- per month as permanent alimony to opposite party No. 2. He is also keeping the daughters with him.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioner named above, in the event of his arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 401 of 2011 to the satisfaction of



learned Sub Divisional Judicial Magistrate, East, Muzaffarpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The complainant is given liberty to file petition for cancellation of bail of the petitioner in the court below in the event the petitioner makes default for continuous two months in making payment of permanent alimony to her without bona fide reasons, as ordered by Family Court, Mumbai at Bandra.

(Sanjay Priya, J)

A.K.V./-

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

