

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1831 of 2017

Arising Out of PS.Case No. -204 Year- 2015 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Dilip Mishra S/o- Ratneshwer Mishra R/o- village- Arer Dih Tole, P.S.-
Arer, Madhubani

.... Petitioner/s

Versus

1. State of Bihar

2. Ragini Kumari Mishra, D/o- Laln Kumar Jha, R/o-village- Barha, P.S.-
Benipatti, Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 19-01-2017 Heard learned counsel for the petitioner and learned

A.P.P. for the State along with learned counsel for O.P. No.2.

2. The petitioner is apprehending his arrest in connection
with Complaint-cum-Protest Case No. 204 of 2015 arising out of
Benipatti P.S. Case No. 54 of 2014 registered for the offence
punishable under Sections 341, 323, 379 and 498(A) of the Indian
Penal Code.

3. Accusation is of assault on account of non-fulfillment of
dowry demand.

4. Learned counsel for the petitioner has submitted that the
petitioner is innocent and has not committed any offence in any
manner. No occurrence has taken place as alleged in the F.I.R. Further,
the parties are on litigating terms since 2011 and living separately. In
fact, earlier the petitioner-husband has filed Divorce case No. 107 of



2013 under Section 13 of the Hindu Marriage Act, which is still pending. Earlier, complainant-wife has also filed a Mahila P.S. Case No. 77 of 2013 for alleged offence under Section 498(A) of the I.P.C, which is also pending and, now, again this case has been lodged by the wife against the husband and his family members only to harass the petitioner. This shows the wife is in habit of lodging case again and again for the same relief. The entire case appears to be an outcome of internal dispute between a husband and wife. No case under Section 498(A) of the I.P.C. is made out against this petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

5. Considering the facts and circumstances of the case and the nature of allegation made against the present petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of S.D.J.M., Benipatti, Madhubani in connection with Complaint-cum-Protest Case No. 204 of 2015 arising out of Benipatti P.S. Case No. 54 of 2004, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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(Arvind Srivastava, J)

