

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16747 of 2019**

Arising Out of PS. Case No.-29 Year-2018 Thana- MAHILA P.S. District- Madhubani

Deepak Kumar Mishra @ Deepak Mishra @ Kanhaiya Mishra, Son of  
Kamaldeo Mishra Resident of Village - Haripur (Gouri Das Tola), P.S.-  
Kaluahi, Distt - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jyoti Kumari Mishra D/o of Sushil Jha Resident of Village - Bhaur,  
Rajegram, P.S.- Pandaul Distt - Madhubani.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Subhash Kumar Jha  
For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

5      07-08-2019                      Heard learned counsel for the petitioner, learned  
counsel for the informant-opposite party no. 2 and learned APP  
for the State.

The petitioner, being the husband of the informant, is  
apprehending his arrest in a case registered for the offences  
punishable under Sections 341, 323, 498A/34 of the Indian  
Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case as per the written report of the  
informant, Jyoti Kumari Mishra is to the effect that the marriage  
of the informant with the petitioner was performed on  
18.04.2012. Subsequently, they were blessed with two children  
but subsequently, there was further dowry demand of



Rs.50,000/- and due to the non-fulfillment of the same, torture was inflicted upon the informant and ultimately, she was driven out from the matrimonial house.

The petitioner and the informant are present in the Court.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two children. It is also not in dispute that both the children are residing with the informant-opposite party no. 2. Earlier also, a complaint case was filed with similar accusation but same was withdrawn on the basis of compromise. The petitioner submits that due to the apathetic attitude of the informant, the father of the petitioner is suffering from some neurological problems and in such circumstances, there is none to look after his father and it is difficult to keep opposite party no. 2 who is absolutely not compatible with petitioner's parents.

Learned counsel for the informant submits that the informant is residing in her parents' house along with two children but the petitioner has not providing any financial support to maintain her and her children. Earlier petitioner was not appearing in the maintenance proceeding being Maintenance Case No. 68 of 2018 but in pursuance to this Court's order dated



03.07.2019 now the petitioner has appeared.

Considering the rival submissions of the parties and having interacted with the petitioner and the informant, it appears that the issue cannot be resolved in the present proceeding.

However, it is submitted that the petitioner is ready to make payment of Rs.3,000/- per month to the informant from September, 2019 by depositing the same in the bank account of the informant by second week of every succeeding month.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit her bank account detail on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties which, at present, will save the informant and the children from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Madhubani in



connection with Madhubani Mahila P.S. Case No. 29 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The above mentioned payment will be subject to any order being passed in matrimonial, maintenance or collateral proceedings.

Three consecutive defaults in making payment will give liberty to the informant to file application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

It is expected from the learned Principal Judge, Family Court, Madhubani to conclude the maintenance proceeding expeditiously.

**(Dinesh Kumar Singh, J)**

DKS/-

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