

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25759 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Vivek Mishra S/o Jai Prakash Mishra R/o Basti East Halderpur, P.S. - Mau
(Sadar), Distt. - Mau (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Supriya Mishra @ Supriya Pathak W/o Vivek Mishra, D/o Parmanand Pathak R/o vill - Basti, P.O. - Haldharpur, P.S. - Sadar, Distt - U.P. at present R/o vill - Niyazipur, P.s. - Simri, Distt. - Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP
		Mr. Saurav Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 23-09-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the complainant /

opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,

apprehends his arrest in a complaint case punishable for the

offence under Section 498-A of the Indian Penal Code.

3. Allegation against petitioner is of matrimonial

cruelty and demand of dowry.

4. Learned counsel for the petitioner, while denying

the allegations made in the complaint petition, submits that

petitioner has been falsely implicated in this case merely



because he is husband of the opposite party no. 2. He further submits that petitioner has also filed Matrimonial/Divorce Case No. 239 of 2022, which is pending in the court of learned Additional Principal Judge, Family Court No. 1, Mau (U.P.), wherein vide order dated 05.07.2023, learned Addl. Principal Judge has directed the petitioner to pay Rs. 2,000/- (Two Thousand), as interim maintenance, to opposite party no. 2 (Annexure 4 to the supplementary affidavit) and therefore, the petitioner is regularly paying Rs. 2,000/- to opposite party no. 2 and undertakes to pay the same in future till final order passed in Matrimonial/Divorce Case No. 239 of 2022.

5. Learned counsel appearing on behalf of opposite party no. 2 does not dispute the contention made on behalf of petitioner.

6. Considering the fact that petitioner is already paying Rs. 2,000/- to opposite party no. 2, as interim maintenance, and undertakes to pay the same till final order passed in Matrimonial/Divorce Case No. 239 of 2022, the prayer for anticipatory bail of petitioner is allowed.

7. Let the above-named petitioner, in the event of arrest or surrender within eight weeks from today, 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 Judicial Magistrate 1st Class, Buxar in connection with Complaint Case No. 175(C) of 2023, 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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