

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41279 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

SHANDILAYA ALOKE KUMAR S/o Satish Chandra Jha R/o Gali No. -6,  
Jay Prakash Nagar, Bartand, P.S.- Dhanbad, District - Dhanabad, Jharkhand,  
PIN- 826001.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anamika Mishra W/o Shandilaya Alope Kumar, D/o Lakhan Lal Mishra  
Address - Rampurdih, P.S.- Sajpur (Shahkund), District - Bhagalpur, Bihar.  
Presently residing at - Mohalla- Hanuman Nagar, Adampur, town, and  
District - Bhagalpur, Bihar.

... .. Opposite Party/s

**Appearance :**

|                            |                         |
|----------------------------|-------------------------|
| For the Petitioner/s :     | Mr. Satish Kumar Pandey |
| For the Opposite Party/s : | Mr. Nitya Nand Tiwary   |
|                            | Mr. Ajay Kumar Jha      |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

5      16-01-2024                      Heard learned counsel for the petitioner, learned  
counsel for the opposite party no.2 and learned APP for the  
State.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Section 498A/34  
of the Indian Penal Code and Section 3 and 4 of the Dowry  
Prohibition Act.

3. Petitioner, who is husband of opposite party  
no2., is said to have ousted the opposite party no.2 from her  
matrimonial home in association of his family members over the  
dowry demand.



4. By order dated 17.07.2023, with consent of parties, this matter was referred to Mediation and Conciliation Center, Patna High Court for amicable settlement of the dispute. The learned Mediator vide its report dated 11.10.2023 has reported that the matter could not be resolved through the mediation process.

5. Learned counsel for the petitioner submits that a decree of divorce has been passed in favour of the petitioner in Original Divorce Suit No.525 of 2021. He further submits that the present case has been lodged by the opposite party no.2 in retaliation of the aforesaid divorce case after coming to know about the said case.

6. Learned counsel for the opposite party no.2 submits that the present case has been lodged by opposite party no.2 on 04.01.2022 but she had put her appearance in the aforesaid divorce case on 24.02.2022.

7. In such view of the matter, as the decree of divorce has been passed in favour of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties



of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bhagalpur Mahila P.S. Case No.02/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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