

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79455 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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SUMAN KUMAR MISHRA @ SUMAN MISHRA SON OF VIRENDRA MISHRA RESIDENT OF VILLAGE AND P.O.- KHEREJPUR, WARD NO. 11, P.S.- BAHADURPUR, DISTRICT- DARBHANGA, PRESENTLY WORKING AT SSB CAMP, DANDAHEAD, P.O.- SONAULI, MAHARAJGANJ, UTTAR PRADESH

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SIMPI KUMARI WIFE OF SUMAN KUMAR MISHRA @ SUMAN MISHRA PRESENTLY RESIDING AT DAUGHTER OF SRI BHOGENDRA CHAUDHRY, VILLAGE- LADARI, P.O.- SAMELLA LALGANJ, P.S.- KEOTI, DISTRICT- DARBHANGA

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Ms. Shama Sinha, Advocate
For the State	:	Mr. Indu Kumari Srivastava, APP
For Opposite Party No.2	:	Mr. Kanchan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 02-07-2024 Heard learned counsels for the parties.

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

3. As per prosecution case, complainant solemnized married with this petitioner on 04.05.2016, but after some time, this petitioner demanded a motorcycle and five bhar gold in dowry from the complainant and due to non-fulfillment of the demand, all the named accused persons, including this



petitioner, tortured and harassed the complainant and ousted her from the matrimonial house.

4. Earlier, the matter was referred for mediation to Patna High Court Mediation and Conciliation Centre vide order dated 12.03.2024. From the report dated 29.03.2024, it appears that initially the dispute between the parties was resolve.

5. However, learned counsel appearing on behalf of the petitioner submits that during the mediation proceedings, Opposite Party No. 2 expressed her desire and insisted to stay with the petitioner in government quarter only. The petitioner assured that he will apply for the government quarter immediately after joining back and the same was recorded in Clause 7 of the settlement agreement. The petitioner immediately applied for quarter after joining back, however, he offered that till the time government quarter is not allotted, they can stay in a rented accommodation at the place of his posting. However, Opposite Party No. 2 has refused to stay with petitioner. It is further submitted that petitioner is already paying a sum of Rs. 10,000/- per month to Opposite Party No. 2 through U.P.I. in her account number. Petitioner claims clean antecedents.

6. Learned A.P.P. for the State and learned counsel for



Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

7. Considering the aforesaid facts and circumstances, since the petitioner is already paying monthly maintenance to the complainant/Opposite Party No. 2, the fact that terms of settlement has already failed and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

8. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned CJM, Darbhanga, in connection with Complaint Case No. 69 of 2023 corresponding to T.R. No. 2427 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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