

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33142 of 2024

Arising Out of PS. Case No.-57 Year-2023 Thana- MAHILA P.S BAGHA District- West
Champaran

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Deepak Mishra @ Dhannu Mishra SON OF SHANKAR MISHRA Resident
Of Village- Gandhi Nagar, P.S.- Bagaha, DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. DEZI DEVI WIFE OF DEEPAK MISHRA VILLAGE- GADHINAGAR,
PS- BAGAHA, DIST- WEST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Prithvi Nath Mishra, Advocate
For the Opposite Party/s	:	Mr.Upendra Kumar, APP
For the O.P. No.2	:	Mr. Anand Kishore chaudhary, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

12 16-06-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party no.

2.

2. The petitioner apprehends his arrest in connection
with Mahila (Bagaha) P.S. Case no.57 of 2023 registered under
sections 498A, 323, 341, 504 and 506 of the Indian Penal Code
and Section 3/4 of the D.P. Act.

3. As per the prosecution case, the informant states
that her husband Deepak Mishra, the petitioner herein, along
with accused persons started to assault the opposite party no.2
mentally and physically on account of non-fulfillment of
demand of dowry and also ousted her from matrimonial house.



4. Learned counsel for the petitioner submits that earlier the matter had been sent to the Patna High Court Mediation Centre vide order dated 25.09.2024 but the mediation process has failed. Learned counsel for the petitioner further submits that the allegation of demand of dowry and torture is false and concocted. The petitioner was always ready to keep his wife with full dignity and honour but it is the opposite party no.2 who never wants to live with the petitioner. The petitioner further submits that the petitioner has filed divorce case being Divorce Case No. 157 of 2023 before the Principal Judge, Family Court, Bettiah at West Champaran and the present case has been lodged as a counter blast to the same. The petitioner has no criminal antecedent and undertakes to co-operate in case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State as also learned counsel for the opposite party no. 2.

6. At this stage, learned counsel for the petitioner submits that the petitioner makes an offer to pay Rs. 2,000/- to his wife in the second week of every month for her basic requirements. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance



case or any other collateral proceeding.

7. Considering the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Mahila (Bagaha) P.S. Case no.57 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

8. If the opposite party no. 2 furnishes the Bank account in which the amount can be transferred and yet the petitioner fails to make the aforesaid payment of Rs. 2,000/- on two consecutive dates, the opposite party no. 2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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