

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50274 of 2024

Arising Out of PS. Case No.-400 Year-2023 Thana- GOVINDGANJ District- East
Champaran

Prabhat Kumar Misha @ Prabhat Mishra @ Ashish son of Sri Ajay Mishra @
Ajay Mishra @ Ajay Kumar Mishra @ Prabodh Mishra VILLAGE-
ARERAJ, WARD NO. 3, PS- GOVINDGANJ, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Priyanka D/O- Late Pramod Pandey R/O-Mahavirpur, PS- Yogapatti
Dist.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md Fazle Karim, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar, APP
For the Informant	:	Mr. Shiv Jee Singh, Advocate Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 05-05-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the Informant.

2. The petitioner apprehends his arrest in connection
with Govindganj P.S. Case no.400 of 2023 registered under
sections 498A, 323, 341, 504, 506 and 34 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 Prabhat Kumar Mishra, the petitioner herein,
along with accused persons started to assault the informant
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 29.01.2025 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 is always ready to keep his wife with full dignity and honour but it is the informant who never wants to live with the petitioner. The petitioner further submits that the petitioner has compelled to file a matrimonial case for divorce bearing Matrimonial Case No.443 of 2021 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 informant.

6. At this stage, learned counsel for the petitioner submits that the petitioner makes an offer to pay Rs. 4,000/- 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 Govindganj P.S. Case no.400 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 Chief Judicial Magistrate, East Champaran at Motihari, 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. 4,000/- on two consecutive dates, the opposite party no. 2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

Harsh/-

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