

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48394 of 2025

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA P.S. District- Bhojpur

Suresh Prasad Son of Late Gopal Prasad Village- Chandi, P.S.- Chandi,
District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. ragini kumari D/o Suresh Prasad, R/o Vill- Karman Tola, P.S.- Ara Nawada,
Distt- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Diwakar, Adv.
For the Opposite Party/s	:	Mr.Arun Kumar, APP
For the Informant	:	Mr. Brajesh Prasad Gupta, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 15-10-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the informant.

2. The petitioner has earlier moved before this Court with a prayer of anticipatory bail which was allowed vide order dated 19.05.2022 passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 55289 of 2021 with certain conditions but, due to some unavoidable situations, the petitioner could not furnish the bail bonds in order to avail the privilege of anticipatory bail.

3. The petitioner seeks bail in connection with Bhojpur Mahila P.S. Case No. 55 of 2021 instituted for the offences under Sections 323, 498(A), 504, 506 & 34 of the Indian Penal Code and Section 3/4 of the D.P. Act.



4. As per prosecution case, the accusation against the petitioner is of harassing and torturing the victim for non-fulfillment of dowry demand.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the husband of the victim. It is further submitted that no occurrence as alleged by the prosecution has ever took place and not case is made out under Section 498(A) of the I.P.C. and Section 3/4 of the D.P. Act against the petitioner. The informant has filed Divorce Case No. 343 of 2021 before the learned family court, Ara and vide judgment dated 07.01.2025, the learned Family Court, Ara annulled the marriage of the petitioner with the informant and directed the petitioner to pay the maintenance amount of Rs. 10,000/- per month to the informant and has also directed him to fix deposit an amount of Rs. 10 lacs for his minor daughter. Learned counsel for the petitioner further submits that the petitioner is ready to settle all the defaults committed by him which has been done either innocently or due to certain extremely unavoidable situations. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus



in nature. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.06.2025 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the State further submits that actually this is a case of utter disobedience of the order passed by this Hon'ble Court. He further submits that the petitioner neither paid the maintenance of Rs. 10,000/- to his wife for the month of May, 2022 nor has paid the subsequent maintenance amount. The petitioner has also not paid the litigation cost of Rs. 50,000/- to his wife. It further appears that the petitioner did not furnish his bail bond before the learned trial court till the issuance of process under Section 83 of the Cr.P.C. and, thus, he does not deserve bail. Learned counsel for the State further submits that from the impugned order, it appears that divorce case no. 343 of 2021 was preferred by the informant which was allowed by the learned Family Court, Ara, annulling the marriage of the petitioner with the informant and directed the petitioner to pay Rs. 10,000/- per month to his wife as future maintenance since 25.10.2021 and has also directed to the petitioner to fix deposit an amount of Rs. 10 lacs for his



minor daughter but, the petitioner has also not complied the orders passed by the learned Family Court, Ara.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhojpur Mahila P.S. Case No. 55 of 2021.

(Rudra Prakash Mishra, J)

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