

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57552 of 2025

Arising Out of PS. Case No.-1040 Year-2023 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

Divakar Kant Mishra, S/o Subodh Kumar Mishra, R/o Village - Thalwara,
Ward No.- 7, P.S - Ashok Paper Mill, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bandana Devi, W/o Divakar Kant Mishra, D/o Genakant Jha, R/o Village -
Hathauri South, P.S - Hayaghat, District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate.

For the State : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with C.R. Case No. 1040 of 2023, T.R. No. 4095
of 2024, dated 2.8.2023 registered for the offence punishable
under Section 498A of the Indian Penal Code and Section 4 of
Dowry Prohibition Act.

3. As per allegation, marriage between the
complainant and the petitioner was solemnized in the year 2013.
However, demand of additional dowry of Rs.3,00,000/- started
and on account of non-fulfillment of the same, the complainant
was subjected to cruelty by the petitioner and his family



members. A divorce petition has also been filed by the petitioner against the complainant/wife and the wife/complainant has also filed maintenance case before the Family Court. The complainant is ready to live with the husband. At present she is living in her *Maike* along with the minor son and no maintenance is being paid by the petitioner.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, on account of normal wear and tear of married life, marriage is not working and hence, the complainant is living at her *Maike* along with the minor son. He also submits that there is no truth in the allegation as made in the complaint regarding cruelty.

5. Considering the aforesaid facts and circumstances, it appears that there is matrimonial dispute between the parties and both the parties have already approached Family Court by way of filing divorce petition as well as maintenance case. The maximum punishment prescribed for the alleged offence is three years.

6. It is also stated in paragraph No. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.



7. It has further been stated in paragraph No.3 of the bail petition that the petitioner has no criminal antecedents.

8. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. In view of the facts and circumstances of the case, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in connection with Complaint Case No. 1040 of 2023, T.R. No. 4095 of 2024 subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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