

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50000 of 2024

Arising Out of PS. Case No.-718 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

Ashok Mishra @ Vinod Mishra Son Of Kanhaiya Mishra R/O- Village- Son-
barsha, P.S.- Natwar, Distt.- Rohtas (Sasaram)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nilu Devi Wife Of Ashok Mishra @ Vinod Mishra, D/O- Gauri Shankar
Dubey R/O-Village- Durgadih, P.S.- Bikramganj, Distt.- Rohtas At Sasaram

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Om Prakash Upadhyay, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP
For the O.P. No. 2	:	Mr. Bijay Shankar Choubey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State as well as Opposite Party No. 2.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Complaint Case No.-718 of 2021 filed for the offences
punishable under Sections 498 (A), and 323 of the Indian Penal
Code.

3. As per allegation, the petitioner has subjected the
complainant/wife to cruelty after marriage on account of non-
fulfillment of demand of dowry.

4. Learned counsel for the Petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. He further submits that on account of matrimonial discord the present case has been filed. He further submits that there is no allegation against the petitioner. He also submits that the allegation against the petitioner is general and omnibus in nature. He next submits that without any rhyme and reason the Complainant/wife has left the matrimonial home with the minor child. He also submits that the maximum punishment for the alleged offence is three years.

5. 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.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned counsel for the Opposite Party No. 2 and learned APP for the State vehemently oppose the prayer of the Petitioner for anticipatory bail.

8. Considering the aforesaid facts and circumstances, **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 A.C.J.M., Rohtas (Sasaram), in connection with Complaint Case No.-718 of 2021, subject to the conditions as laid down under Section 438 (2) Cr. PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, 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.)

ramesh/S.Ali-

U		T	
---	--	---	--

