

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71615 of 2024

Arising Out of PS. Case No.-443 Year-2022 Thana- COMPLAINT CASE District- Supaul

=====

Dhiraj Kumar Mishra Son Of Vijay Mishra Resident Of Village -
Girdharpatti, Brahman Tola, P.S. - Chhatapur, District - Supaul, Present R/O
Plot No. 11, Tajpur Chungi, Near Central Jail, Tajpur Road, Ludhiana

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gunja Kumari Wife Of Dhiraj Kumar Mishra, Daughter Of Pawan Kumar
Jha Resident Of Mohalla - Nagar Parishad, Ward No.23, Brahman Tola, P.S.
And District - Supaul

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Nafisu Zzoha, Advocate Ms. Rabia Gulnaz, Advocate
For the State	:	Mr. Nityanand, APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Complaint Case No. 443C of 2022, registered for the offences
punishable under Sections 323, 379, 498A, 504 and 506 of the
Indian Penal Code and Section 3/4 of D.P. Act.

3. As per the allegation, the husband-petitioner has
subjected the complainant-wife to cruelty after marriage on
account of non-fulfillment of demand of dowry. On the
complaint, learned Magistrate has taken cognizance of offence



punishable under Section 498A, 323, 379, 504 and 506 of the Indian Penal Code and Section 34 of D.P. Act.

4. Ld. 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, this false case has been filed by the wife-complainant.

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 petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for 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 Ld. A.C.J.M-Ist Class, Supaul in connection with Complaint Case No. 443C of 2022, subject to the conditions as



laid down under Section 438 (2) Cr.P.C. 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, Ld. 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, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

shoaib/-

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

