

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22110 of 2025

Arising Out of PS. Case No.-1542 Year-2013 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

Mosmat Suchita Mishra @ Suchita Mishra Wife of Late Awadh Kishore
Mishra Village- Rangra PS -Rangra Naugachhia District -Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Mishra wife of Shailesh Mishra Village- Rangra PS -Rangra Naugachhia District -Bhagalpur At P/A- Hirday Gunj, Koshi Colony, Katihar, Ps- Katihar, Dist- katihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Heard Mr. Vivekanand Singh, learned counsel for

the petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is apprehending her arrest in connection with Complaint Case No. 1542 of 2013 for the offence under sections 498A/34 of the I.P.C. lodged by the complainant, Jyoti Mishra.

3. As per the complaint of the year 2013, the complainant alleged that she got married fifteen years ago and as four daughters were born out of the wedlock, the accused persons (family member of the husband) started torturing her by threatening her to get second marriage of her husband



solemnized. At times, she was assaulted and on the fateful day, allegation is that snatching all the gifts that she had from her parent's house, she was threatened/abused/assaulted forcing her to return to her parent's home. This led to the case.

4. Learned counsel for the petitioner submits that she is mother-in-law, seventy five years old, the husband was posted at Maharashtra as a teacher, retired and the couple settled there itself. The problem is/was between the couple, she had no role to play and since there was no knowledge, could not file the petition in time.

5. Learned APP opposes the prayer submitting that contrary to the submission, the address of the petitioner shows as resident of Naugachhia, Bhagalpur.

6. We are in the first quarter of the twenty-first century, the late father-in-law of the complainant was a teacher, it is unfortunate, still he failed to teach his family members the basics and only because the lady was blessed with four female child, was tortured, if the allegation is to be believed.

7. However, the main allegation is against the husband, Shailesh Mishra who after the couple was blessed with four female child, started torturing her. While torturing



the lady, he failed to realise that it is the husband whose chromosome decides the fate of an embryo. Though allegation is also against this petitioner, since she is 75 years old and it has been informed that she resides away in Maharashtra, has undertaken to diligently appear in trial, in that background, this Court is inclined to extend her privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar, in connection with Complaint Case No. 1542 of 2013 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Adnan/-

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

