

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25872 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- MAHILA PS District- Gopalganj

Harisharan Mishra S/o Indubhushan Mishra R/o Vill- Dighwa, P.S.- Bhore,
Distt- Gopalganj at present R/o House No. B1/14B, C9 Assi Nala, P.S.-
Bhelupur, Distt- Varanasi, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sapna Devi D/o Birendra Kumar Ojha R/o Vill- Pandey Chakiya, P.S.-
Bhore, Distt- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Gopalganj (Mahila) P.S. Case No. 21 of
2024, dated 07.06.2024 registered for the offences punishable
under Sections 341, 342, 323, 498A, 406, 506 read with Section
34 of the Indian Penal Code and Section 3/4 of D.P. Act.

3. As per allegation, there was demand of additional
dowry and on account of non-fulfillment of the same, the
informant was subjected to cruelty by the petitioner-husband
and his family members and ultimately, she has been ousted
from the matrimonial home.



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, the petitioner-husband is working in Delhi and the informant-wife wants to live with him at Delhi, whereas her presence at home is required for taking care of his mother who is suffering from advance stage of cancer, and hence, she has filed the false case. He further submits that similarly situated co-accused, who are family members of the petitioner, are enlarged on anticipatory bail by co-ordinate Benches of this Court vide orders dated 03.12.2024 and 20.12.2024 passed in Cr. Misc. Nos. 80032 of 2024 and 85976 of 2024.

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 antecedents.

7. However, learned 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 learned concerned Court Below, in connection with Gopalganj (Mahila) P.S. Case No. 21 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 antecedents, 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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