

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30366 of 2025

Arising Out of PS. Case No.-184 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

Mrityunjay Jha S/o Late Chandeshwar Jha R/o Village- Basantpur, P.S.-
Kundwa Chainpur, District- East Champaran at Motihari

... .. Petitioner

Versus

1. The State of Bihar
2. Slhivani Mishra D/o Shaktinath Mishra R/o Village- Mohinimandal, P.S.-
Majorganj, District- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The case of the prosecution is that the petitioner was married to the complainant. It is further alleged that the complainant was subjected to cruelty on account of non-fulfillment of demand of dowry. It is also alleged that a daughter was born out of the wedlock.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. Learned counsel for the petitioner has submitted that Annexure-P/4 is an affidavit sworn by the complainant which goes to show that the complainant is blessed with three daughters and a son and she is also pregnant. Learned counsel for the petitioner has also submitted that vide Annexure-P/5 he has sworn an affidavit that he is ready to keep his wife with him. He has further submitted that the petitioner was granted provisional anticipatory bail vide Cr. Misc. No. 5419 of 2023 but he could not surrender in the court within time and the learned trial court has rejected his petition on this sole ground. From perusal of Annexure-P/1, it transpires that the anticipatory bail was conditional and the condition was that the petitioner will take back his wife (opposite party no. 2) with children to his matrimonial home and shall keep her with full dignity with care and after being satisfied with his conduct after a period of six months, the learned court below shall confirm the bail of the petitioner. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 10.12.2024.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.



6. In view of Annexure-P/5, it is clear that petitioner is ready to keep his wife. He is again granted a **conditional bail** with the condition that the petitioner will take back his wife with children to his matrimonial home and shall keep her with full dignity and care. After being satisfied with his conduct after a period of six months, the learned court below shall confirm the bail of the petitioner or pass any order in accordance with law.

7. In view of the above discussions, this court is inclined to enlarge the petitioner on **provisional bail for a period of six months from today**. The above named petitioner is directed to be released on bail in connection with Complaint Case No. 184 of 2017 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sadar, Sitamarhi.

(Ashok Kumar Pandey, J)

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