

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6363 of 2025

Arising Out of PS. Case No.-4451 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

1. Arun Mishra S/o Late Chintamani Mishra R/o Mohalla- Maruwaha Tola,
PO- Chandpur Bhangha, PS- Jankinagar, Distt- Purnea

2. Jyotish Kumar S/o Arun Mishra R/o Mohalla- Maruwaha Tola, PO-
Chandpur Bhangha, PS- Jankinagar, Distt- Purnea Petitioner/s

Versus

1. The State of Bihar

2. Sita Kumari W/o Rakesh Kumar, D/o Lakshmi Narayan Permanent Address-
Rupali Goth House Desh Prem Abhiyan Ward no. 7, P.S. - Janki Nagar,
Banmankhi, Purnea (Bihar) at present Address C/o Harendra Ray, R/o
Chakaram Devi Asthan, Budha Colony, Patna, Bihar... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushen Kumar Keshri, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2025 Heard Mr. Sushen Kumar Keshri, learned counsel for

the petitioners and Ms. Asha Devi, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No. 4451(C) of 2023 Complaint
dated 02.05.2023 for the offences punishable under Sections
498(A), 323, 376 and 506/34 of the Indian Penal Code and Section
4 of the D.P. Act but the learned Court below has taken cognizance
only under Section 498(A) and 323 of the IPC.

3. According to prosecution case, the petitioners
along with other accused persons have assaulted the complainant
on the pretext of dowry demand.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioner no. 1 is the father-in-law and the petitioner no. 2 is the brother-in-law of the complainant. He further submits that the allegation as alleged in the Complaint Petition is false and fabricated and the petitioners have not committed any offences as alleged in the Complaint Petition. He further submits that although there is specific allegation against these petitioners in the complaint petition but the learned Court below has taken cognizance only under Sections 498(A) and 323 of the I.P.C.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the petitioners have clean antecedent, let the petitioners, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.-I, Patna in connection with .Complaint Case No. 4451(C) of 2023 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-



i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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