

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15693 of 2026

Arising Out of PS. Case No.-41 Year-2025 Thana- MAHILA PS District- Jehanabad

Niwash Kumar @ Niwash Paswan @ Nivas Paswan S/O Sharvan Paswan
R/O Village and P.O.- Chakdaulat, P.S- Islampur, District- Nalanda at
Biharsharif. Petitioner/s

Versus

1. The State of Bihar
2. Sweeti Kumari W/O Niwash Kumar @ Niwash Paswan @ Nivas Paswan
D/O Vijay Paswan, R/O Village- Khaskhori, P.O.- Allahganj, P.S-
Makhdumpur (O.P. Bishunganj), Distt.- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate
For the State : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

4 20-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Vide order dated 24.03.2026, notices were issued to the
opposite party no. 2. Vide office report dated 29.04.2026, it appears
that the father of the O.P. No. 2 has received the notice, which has
been submitted by the report of the process server. Considering the
same, vide order dated 06.05.2026 passed in this case, the matter was
directed to be listed under the heading 'For Admission' on
13.05.2026.

3. The petitioner apprehends his arrest in connection with
Jehanabad Mahila P.S. Case No. 41 of 2025, for allegedly having
committed offence under Sections 85, 126(2), 115(2), 352, 351(2),
3(5) of the BNS and under Section 3/4 of the Dowry Prohibition Act.



4. As per the prosecution case which has been lodged on the basis of the written report submitted by the opposite party no. 2 herein to the effect that her marriage was solemnized with the petitioner herein as per the Hindu rites and rituals on 12.07.2024. After marriage, she went to her in-laws house and started living there. After some time, the behaviour of the in-laws as well as other family members changed and they started assaulting and torturing her and started demanding Rs. 50,000/- and a motorcycle from the informant. The informant returned back to her parental home and when she again went to her matrimonial home, she came to know that her husband i.e. the petitioner is in illicit relationship with his *bhabhi* and she saw the same. On protest made by the informant, on 17.05.2025, she was assaulted by the petitioner, her mother-in-law, father-in-law, *bhaisur* and *gotni* and was ousted from her matrimonial home.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has not committed any offence. Occurrence is of 17.05.2025 whereas the First Information Report has been lodged on 25.06.2025 i.e. after a delay of 39 days and no valid explanation has been given for lodging of the FIR after such delay. The allegation levelled by the informant to the effect that the petitioner has an illicit relationship with her sister-in-law, is entirely false and further, general and omnibus allegations have been levelled against the petitioner and other family members. It is further



submitted that the petitioner is ready and willing to keep the informant as his wife with full dignity and honour, however, the informant is not ready to live with him. It is further submitted that the petitioner is an accused in one another case bearing Islampur P.S. Case No. 299 of 2024 in which he is on bail.

6. Per contra, the learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner is the husband and he failed to perform his duty of keeping his wife with full dignity and honour.

7. Having heard the learned counsel for the parties and after going through the records, it appears that despite service of notice upon her father, the opposite party no. 2 chooses not to appear in the present proceeding. Further, the petitioner is the husband of the informant and general and omnibus allegations have been levelled against him and his family members. He is ready to keep the informant as his wife, however, the informant did not appear in the present proceeding, despite valid notice.

8. Considering the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jehanabad in connection with Jehanabad Mahila P.S. Case No. 41 of 2025, subject to the conditions as laid down under Section 482(2) of



the B.N.S.S., with a further condition that :-

The learned court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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