

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24032 of 2025

Arising Out of PS. Case No.-181 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Gauri Shankar Jha, S/o Shri Dharnidhar Jha, R/o Sakin Muradpur, P.S.-
Nauhatta, Dist-Saharsa

... .. Petitioner

Versus

1. The State of Bihar
2. Reena Jha, W/o Gauri Shankar Jha, D/o Shri Jata Shankar Jha, resident of
Village- Sahmaura, P.S.- Sonbersa Raj, Dist-Saharsa

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Hrishikesh, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 07-01-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the complaint

and apprehending his arrest in connection with Complaint

Case No.181C of 2023 in which cognizance has been taken

for the offences punishable under Sections 498-A 323 of the

Indian Penal Code as well as Sections 3 and 4 of the Dowry

Prohibition Act.

3. Allegation against petitioner as per complaint is

to commit cruelty upon complainant/O.P. No.2 due to non-

fulfilment of demand of dowry for cash of Rs.5 lakhs and one



motorcycle. The allegation of physical assault is also available through complaint petition.

4. It is submitted by learned counsel appearing for petitioner that the marriage of O.P. No.2 with petitioner, who is husband solemnized 20 years back and they have two children aged about 16 and 17 years. It is submitted that out of domestic dispute and differences, the present false case was lodged after 20 years of marriage, without having any occasion with very general and omnibus allegation. The petitioner claimed clean antecedent.

5. It is further argued that O.P. No.2 intentionally not receiving the notice as issued by this Court just to harass this petitioner. In support of his submission, it is submitted that notice when on last occasion was sent through learned advocate for informant/O.P. No.2 appearing before learned trial court, it was refused to accept by him and moreover the registered post also returned with endorsement that complainant/O.P. No.2 is not available at given address. In view of same, it is prayed that notice be deemed validly served upon O.P. No.2/complainant.



6. Learned APP appearing for the State while opposing the prayer of bail submitted that the allegation of cruelty and assault is specifically available against petitioner, who is husband.

7. Taking contrary to the submissions, as advanced, it is pointed out that the complaint petition is not supported by any injury report and further same is also not supported by affidavit contrary to the law laid down by Hon'ble Supreme Court as available through **Priyanka Srivastava and Anr. vs. State of U.P. and Ors.**, as reported in **(2015) 6 SCC 287.**

8. In view of aforesaid factual submissions and by taking note of general and omnibus allegation *qua* demand of cash and one motorcycle and that too after 20 years of marriage, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to 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 S.D.J.M., Saharsa in connection



with Complaint Case No.181C of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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