

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22366 of 2026

Arising Out of PS. Case No.-116 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Ganesh Prasad @ Ganesh Kumar S/o Surendra Mahto, R/o vill - Baligawn,
P.S.- Rafiganj, Dist.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vishwanath Mehta S/o Late Sita Ram Mehta, R/o Keshopur, P.S.- Barun,
Dist.- Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bindeshwar Prasad Singh, Advocate
For the State	:	Mr. Madan Kumar, APP
For the O.P. No.2	:	Mr. Surendra Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the O.P. No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 116 of 2018, dated
08.02.2018, filed for the offences punishable under Sections
323, 341, 498A and 504/34 of the Indian Penal Code and
Section 3/4 of D.P. Act and cognizance has been taken under
Section 498A and 323 of the Indian Penal Code and Section 4 of
D.P. Act.

3. As per allegation, there was demand of dowry by
the petitioner and his family members from the daughter of the
complainant, subsequent to her marriage with the petitioner and



on account of non-fulfillment of the same, she has been subjected to cruelty and even, there was abortion due to beating in hospital. However, it is stated that there is no document in regard to treatment in hospital about abortion and after compromise in the police station, she went back to her sasural but again they are committing cruelty against her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is husband of the complainant's daughter, but there is no truth in the allegation. He further submits that this complaint has been lodged not by the wife of the petitioner, but by the father-in-law. He further submits that as a matter of fact, the husband/ petitioner belongs to poor family and the daughter of the complainant could not adjust with the poor economic condition of the petitioner. Hence, now she has entered into second marriage and living with her second husband.

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 antecedent.



7. However, learned APP for the State and learned counsel for the complainant vehemently oppose the prayer of the Petitioner for bail. Learned counsel for the complainant submits that he has no information regarding second marriage of the complainant's daughter. However, he says that there is truth in the allegation.

8. I considered the submissions advanced by both the parties and perused the material on record.

9. I find that the complainant has clearly stated before Judicial Magistrate that he has no documentary proof regarding treatment of his daughter in hospital and her abortion and other allegation regarding demand of dowry and torturing therefor, I find that the maximum punishment prescribed for the alleged offence is three years.

10. 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 Complaint



Case No. 116 of 2018, 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 antecedent, 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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