

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28854 of 2026

Arising Out of PS. Case No.-1243 Year-2017 Thana- COMPLAINT CASE District- Supaul

Mithlesh Paswan, S/o Shri Bharat Paswan, Resident of Village- Baluaha, P.S.-
Mahishi, District -Saharsa, Pin Code-852216.

... .. Petitioner

Versus

1. The State of Bihar
2. Anita Devi, W/o Mithlesh Paswan D/o Nunulal Paswan, Resident of Village-
Hatvariya, P.S. Pipra, District-Supaul, Pin Code-852218.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-07-2026 At the outset, learned counsel appearing for the

petitioner submits that though the prayer for anticipatory

bail is ordinarily not maintainable in a private complaint case,

but as NBW has been issued, the apprehension of arrest has

arisen. Therefore, the prayer of Anticipatory Bail of

petitioner is maintainable in view of ***Om Prakash***
Chhawnika @Om Prakash Chabnika @Om Prakash
Chawnika versus State of Jharkhand and Anr. [2026
SCC OnLine SC 676].

2. Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.



3. The accused/petitioner is named in the complaint petition and apprehending his arrest in connection with Complaint Case No.1243(C) of 2017 registered under Sections 498(A), 323, 504 and 506 of the Indian Penal Code (IPC).

4. Allegation against the petitioner is to commit, mental and physical cruelty upon the complainant due to non-fulfillment of a demand of dowry as raised for cash of Rs. 40000/- only.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions, and by taking note of the averment made on affidavit that O.P. no.2 solemnised her second marriage during the subsistence of her first marriage with the petitioner and is presently residing happily with her second husband at Mumbai, 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 J.M. 1st Class, Supaul in connection with Complaint Case No.1243(C) of 2017, 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.)

Raushan/-

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