

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38738 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- HALAI District- Samastipur

Ashwani Kumar, S/o Late Rajendra Ray, R/o Village-Balahiya, P.S.-Piyar,
Distt.- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Krishtina Kumari Ray, W/o Ashwani Kumar, D/o Bishandev Ray R/o
Village- Banveera, P.S.- Halai, Distt.- Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Raja Ram Mishra, Advocate
For the State	:	Mr. Arun Kumar Singh, APP
For the Informant/O.P. No.2:		Mr. Mahendra Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State duly

assisted by learned counsel appearing for the informant/O.P.

No.2.

2. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with Halai P.S. Case

No.24 of 2025 registered under Sections 85 read with 3(5)

of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as

well as Sections 3 and 4 of the Dowry Prohibition Act.

3. As per FIR, the petitioner has been alleged to

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



fulfilment of demand of dowry as raised for cash of Rs.1 lakh and one motorcycle.

4. It is submitted by learned counsel appearing for petitioner that the allegation as raised against petitioner is of very general and omnibus in nature. It is also pointed out that even as per FIR, the informant/O.P. No.2 claimed that she was ousted from her matrimonial home in the month of June, 2023 but, the FIR in issue was lodged only on 16.02.2025 after more than two and half years. In this connection, it is submitted that there is no explanation dealing with such inordinate delay. The petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Mr. Mahendra Pratap, learned counsel appearing for informant/O.P. No.2 while opposing the prayer of bail submitted that petitioner being husband specifically alleged to commit cruelty against informant/O.P. No.2.

7. Let it be so, in view of general and omnibus allegation *qua* cruelty, coupled with the fact that FIR in issue was lodged with inordinate delay of two and half years without supplying any just explanation, 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 A.C.J.M.-I, Samastipur in connection with Halai P.S. Case No.24 of 2025, 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.)

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