

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58520 of 2024

Arising Out of PS. Case No.-802 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Subhash Chandra Mishra son of Arun Mishra Village Po- Bijai Ps-
Pandaul Dist- Madhubani

... .. Petitioner

Versus

1. The State of Bihar
2. Bhargavi Kumari wife of Subhash Chandra Mishra Village Po- Bijai
Ps- Pandaul Dist- Madhubani, P/A- Near 13 No. Railway Gumti
Mithila Navjeevan Ashpatal Krishna Puri Colony Ps- Rajnagar Dist-
Madhubani

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate
For the Opposite Party/s : Mr.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the complaint, is
apprehending his arrest in connection with CR Case No. 802
of 2022 registered for the offences punishable under Sections
323, 498A/34 of the Indian Penal Code.

3. As per complaint, petitioner alleged to commit
mental and physical cruelty upon the complainant/O.P. No. 2
due to non-fulfillment of demand of dowry as raised for one
Motorcycle, golden chain and cash of Rs. One Lakh.

4. Learned counsel appearing on behalf of the



petitioner submitted that allegation of demand of dowry and and also committing mental and physical cruelty upon the complainant/O.P. No. 2 is appearing very much general and omnibus against the petitioner which was raised after twelve years of marriage as the complaint in issue was filed in the year 2022, whereas marriage between the complainant/O.P. No. 2 and petitioner was solemnized in the year 2010. petitioner claimed clean antecedent.

5. Notice, as issued by this Court, received by the mother of complainant/O.P. No. 2 with whom she was residing. Accordingly, the same was validly served upon her

6. Despite service of notice, none appears on behalf of the complainant/O.P. No. 2.

7. Learned A.P.P. for the State is present.

8. In view of the aforesaid factual submissions and by taking note of the fact as allegation *qua* mental and physical cruelty *prima facie* appears very much general and omnibus against the petitioner, where petitioner is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this



order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhubani/concerned court in connection with C.R. No. 802 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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