

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72083 of 2024

Arising Out of PS. Case No.-450 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Jata Shanakar Yadav @ Jata Shankar Yadav, S/o Kamleshwar Yadav @ Kamleshwari Yadav, R/o Village-Jahangirpur, P.S.-Singhiya, District-Samastipur

... .. Petitioner

Versus

1. The State of Bihar
2. Mitan @ Mittan, W/o Jata Shanakar Yadav @ Jata Shankar Yadav, D/o Ramjapo Yadav, R/o village-Jahangirpur, P.S. - Singhiya, Distt. - Samastipur, Presently residing at village - Bahorwa, P.S. - Bithan, Distt. - Samastipur

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP
For the Informant	:	Mr. Raja Ram Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-02-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State duly assisted by learned counsel appearing for informant.

2. The accused/petitioner is named in the complaint and apprehending his arrest in connection with Complaint Case No.450 of 2023 in which cognizance has been taken for the offences punishable under Sections 498-A, 323, 436, 307 and 326 of the Indian Penal Code.

3. As per complaint, the petitioner alleged to commit mental and physical cruelty upon complainant particularly after birth of female child.



4. It is submitted by learned counsel appearing for petitioner that the dispute and differences between parties was resolved with interference of local *panch* but, subsequently, further differences surfaced between the parties. It is submitted that the complainant herself left her matrimonial home and living with her parents. It is pointed out that maintenance case is pending before the learned Family Court.

5. Arguing further, it is submitted that the complaint in issue is not supported by affidavit and, therefore, the same cannot be relied upon in view of legal report of Hon'ble Supreme Court as available through **Priyanka Srivastava v. State of Uttar Pradesh [(2015) 6 SCC 287]**. It is pointed out that in terms of complaint, the last occurrence alleged to be taken place on 20.06.2023 but, complaint in issue was lodged on 28.06.2023 as an afterthought, without explaining the delay and moreover the allegation *qua* committing mental and physical cruelty is appearing very much general and omnibus in nature.

6. Learned APP duly assisted by learned counsel appearing for complainant/O.P. No.2 while opposing the prayer



of bail submitted that the petitioner being husband actively involved to commit mental and physical cruelty upon complainant/O.P. No.2.

7. Let it be so, in view of aforesaid factual submissions as the allegation of committing cruelty *qua* petitioner appears very much general and omnibus in nature, coupled with the fact that the complaint also appears not supported by affidavit, 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 Judicial Magistrate-1st Class, Rosera at Samastipur in connection with Complaint Case No.450 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.)

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