

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85326 of 2025

Arising Out of PS. Case No.-636 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Mukesh Kumar @ Mukesh Chaurasiya S/o Subelal Chaurasiya Resident of
Village- Bela, P.S.- Halsi, District- Lakhisarai, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikki Kumari W/o Mukesh Kumar @ Mukesh Chaurasiya, D/o Ravindra
Kumar At present residing at village- Sathe, P.S.- Roh, District- Nawada,
Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivek Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-02-2026 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 Nawada Complaint

Case No. 636 of 2023 registered for the offences punishable

under Sections 498a of the Indian Penal Code and Section 4

of the Dowry Prohibition Act.

3. The allegation against the petitioner is to commit

mental and physical cruelty upon the complainant due to non-

fulfillment of demand of dowry as raised for a cash of Rs. Five

Lakhs.



4. Learned counsel appearing on behalf of the petitioner submitted that allegation *qua* demand of dowry is appearing very much general and omnibus against the petitioner. It is submitted that even the complaint petition not appears supported by affidavit and, therefore, allegation raised in the complaint petition not appears convincing in terms of legal report of Hon'ble Supreme Court as available through **Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]**. Petitioner claimed clean antecedent.

5. Learned A.P.P. for the State duly assisted by learned counsel appearing for the complainant, while opposing the prayer for anticipatory bail of the petitioner, submitted that petitioner has solemnized second marriage subsisting his first marriage with the complainant. It is submitted that despite of the order of maintenance court, petitioner is not paying anything to the complainant and her minor son as to save them from destitution.

6. Taking contrary to the aforesaid submission, it is submitted by learned counsel for the petitioner that complainant is free to press execution petition before the



learned family court itself, if any such order in her favour.

7. In view of the aforesaid factual submissions and by taking note of the fact as allegation qua committing mental and physical assault upon the complainant appears very much general and omnibus in nature, coupled with the fact that complaint not *prime facie* appears supported through affidavit, as discussed aforesaid, 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 S.D.J.M., Nawada /concerned court in connection with Complaint Case No. 636 of 2023, 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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