

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89187 of 2025

Arising Out of PS. Case No.-3112 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Amit Kumar Mishra @ Amit Kumar @ Amit S/o Late Upendra Kumar Mishra, Resident of - Bankat, Ward No. 12, P.S and P.O - Keshariya, District - East Champaran, Pin - 845424

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chitrarekha Kumari W/o Amit Kumar Mishra D/o Uday Prakash Mishra, Resident of - Sheohar Municipal Corporation, Ward No. 18, P.S - Sheohar, District - Sheohar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nilesh Kumar Pandey, Advocate
For the State	:	Mr. Arun Kumar Singh, APP
For the complainant	:	Mr. Sriram Krishna, Advocate
		Mr. Shashank Shekhar Kunwar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-04-2026 Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the Complainant.

2. The petitioner seeks bail, apprehending his arrest, in connection with Complaint Case No. 3112 of 2022, filed for the offences punishable under Sections 323, 498A, 341, 406 and 504 of the Indian Penal Code and Section ¾ of the D.P. Act. However, cognizance has been taken under Sections 323, 498A and 504 of the Indian Penal Code.

3. As per allegation, the petitioner was married with



complainant in the year of 2015 and as per further allegation, after the marriage, illegal demand of additional dowry of Rs.10,00,000/- started and on account of non-fulfillment of the same, she was subjected to torture and ultimately, she was ousted from the matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the marriage is not working. Hence, the petitioner has filed one divorce petition bearing Matrimonial Case No. 164 of 2020 in the Court of Principal Judge, Family Court, East Champaran at Motihari and after getting notice of the divorce petition, the false criminal case under Section 498A of the Indian Penal Code has been filed against the petitioner and his family members.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State as well as learned counsel for the complainant vehemently oppose the prayer of the Petitioner for bail submitting that this is not true



that the complainant has filed this complaint petition after getting notice of the divorce petition. It has been filed on account of cruelty committed by the petitioner and his family members against the complainant and there was specific demand of Rs.10,00,000/- as dowry and on account of non-fulfillment of the same, she has been subjected to cruelty.

8. Considering the aforesaid facts and the fact that the maximum punishment prescribed for the alleged offence is three years, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Complaint Case No. 3112 of 2022, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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