

IN THE COURT OF DISTRICT & ADDL. SESSIONS JUDGE-III, KATIHAR
ANTICIPATORY BAIL PETITION No. 703/2026
(Arising out of C.A. No. 1294/2024)

Rashik Kishku @ Rasi Kishku ... Petitioner
Versus
The State of Bihar ... Opposite Party

Ld. Counsel for the petitioner:- Sri Kabir Lal Mandal, Advocate
Ld. Counsel for the State :- Sri Akhilesh Singh, APP

Date of hearing/Disposal: 09.06.2026

ORDER

An anticipatory bail petition has been filed on behalf of the accused petitioner namely (i) Rashik Kishku @ Rasi Kishku, who is apprehending his arrest in connection with C.A. No. 1294/2024 for the offences U/S 323, 341, 498(A) & 506 of IPC. The copy of the same has been duly served to the Ld. Addl. P.P. for the State.

Heard the Ld. counsel for the petitioner and the learned A.P.P. for the State.

The Ld. counsel of the petitioner has submitted that no B.P. or A.B.P. on behalf of the accused petitioner have been filed or moved before this court or before the Hon'ble High Court, Patna. The petitioner is quite innocent and has not committed any offence at all. That the petitioner neither tortured the complainant nor demanded any dowry. That the petitioner is the husband of the complainant and he is ready to keep his wife with full honour and dignity. That the petitioner has no any criminal antecedent. Petitioner is ready to abide by the terms and conditions imposed by this court. Petitioner is ready to furnish local and solvent bailors to the satisfaction of the court and there is no chance of absconding. Accordingly, prayed to grant anticipatory bail.

On the other hand, the Ld. Addl. P.P. opposed the prayer of A.B.P. filed on behalf of the above named accused petitioner and submitted that the petitioner has committed the alleged offence under well planned manner. Hence, it is requested to reject the petition of the above named accused petitioner.

The case of the prosecution as per complainant, in brief is that the complainant alleged that she was married to Rashik Kishku @ Rasi Kishku in 2008 and has three children from the marriage. After the birth of the third child, her husband allegedly subjected her to cruelty, abuse, assault and threats. She further alleged that in 2021, he contracted a second marriage with Nirmala Soren, deserted her and the children, failed to provide maintenance and continued to threaten them. Hence, the present case.

Heard rival submission of the Ld. counsel on behalf of the accused petitioner and the Ld. Add.P.P. for the State and perused the LCR. From perusal of the same, it transpires that the present C.A. No. 1294/2024 has been registered U/S 323, 341, 498(A) & 506 of IPC. The case has been registered on the basis of private complaint and from the perusal of the LCR, it appears that till now, any NBW has not been issued by the Court against the petitioner. There is no apprehension of arrest. In the light of judgment given by the Hon'ble Supreme Court in case no. Om Prakash Chhawnika Versus State of Jharkhand, the present anticipatory bail is not maintainable.

Hence, considering the aforesaid facts and circumstances and discussions made hereinabove, this anticipatory bail is not maintainable. Accordingly, prayer for anticipatory bail of the above named accused petitioner stand **rejected**.

(Sd/-)

(Sunil Kumar Singh-III)
D.A.S.J.-III, Katihar
09.06.2026