

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21100 of 2024**

Arising Out of PS. Case No.-38 Year-2023 Thana- MAHILA PS District- Gaya

Vikash Kumar S/o- Chando Mahto Village-Baljori Bigha Katrari Hill Ps-  
Chandaut Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Kumari D/o- Sri Rameshwar Mahto Village- Sagarpur Ps- Mohanpur  
Dist- Gaya

... .. Opposite Party/s

**Appearance :**

|                          |   |                             |
|--------------------------|---|-----------------------------|
| For the Petitioner/s     | : | Mr. Surendra Kishore Thakur |
| For the Opposite Party/s | : | Ms. Sangeeta Sharma         |
| For the O.P. No. 2       | : | Mr. Jubail Ansari           |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      26-09-2024                      1. Heard learned counsel for the petitioner, learned  
A.P.P. for the State and the learned counsel appearing on behalf  
of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 494,  
498(A), 504, 509 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that  
petitioner, being husband, has been falsely implicated in the  
instant case by the informant. It is next submitted that petitioner  
and the informant were married in the year 2014, but after  
marriage, the informant fell in love with the cousin brother of  
the petitioner and thus eloped with him and later in the year



2018, she came back and thereafter and issue was sorted out as would manifest from Annexure-2 to the anticipatory bail application wherein it is recorded that O.P. No. 2 eloped with the cousin brother of the petitioner and she intends to stay with him. It is also submitted that on the said document, the father of the informant also signed.

4. It is submitted that since O.P. No. 2 took a decision to lead her life with the cousin brother of the petitioner, as such, the petitioner filed Divorce Case No. 424 of 2018 in the Court of learned Principal Judge, Family Court, Gaya and the same is pending adjudication. It is next submitted that after the divorce case was filed, the O.P. No. 2 also appeared, but thereafter also no criminal case came to be instituted and all of a sudden in 2023, the instant FIR came to be instituted alleging torture.

5. Learned A.P.P. for the State along with the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then the learned counsel appearing on behalf of the informant does not dispute Annexure-2 to the anticipatory bail application, but submits that the said document was executed by the informant/O.P. No. 2 under pressure.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gaya Mahila P.S. Case No. 38 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**7. Accordingly, the instant anticipatory bail application stands allowed.**

**(Satyavrat Verma, J)**

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