

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.2990 of 2025

Arising Out of PS. Case No.-1161 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

Kanhaiya Kumar S/O Nandlal Mahto @ Nandlal Prasad R/O Vill.- Mahawat,
Biman, Ward no. 16, P.S.- Kasar, Dist.- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonali Kumari W/O Kanhaiya Kumar, D/O Sanjay Prasad R/O Mirbigha,
P.S.- Warisaliganj, Dist.- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar
For the Opposite Party/s : Dr. Indihar Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-02-2025 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Nawada Complaint Case No. 1161(c)/2022, dated
20.09.2022, disclosing offences under Sections
498A/379/406 of the Indian Penal Code and Sections 3
and 4 of the Dowry Prohibition Act.
3. As per the allegations, made in the complaint, the
marriage of the complainant was solemnized on
20.11.2021 with the petitioner as per Hindu rites. After
the marriage, the petitioner and other family members



started demanding Apache motorcycle and due to non-fulfillment of the said demand, the complainant was assaulted by the petitioner and was thrown out of her matrimonial home.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been made accused due to the fact that after the marriage, the complainant developed intimate relationship with nephew (Bhanja) of the petitioner and fled away from the matrimonial home and married with nephew (Bhanja) of the petitioner. He next submits that since the complainant was in relationship, now the petitioner is not ready to stay with his wife i.e. complainant as husband and wife. He also submits that demand of dowry and torture by the petitioner is absolutely concocted. He further submits that earlier an First Information Report was lodged by the mother of the complainant, bearing Ariaryi (Kasar) Police Station Case No. 130 of 2022, against the petitioner and his nephew (Bhanja) regarding missing of complainant from her matrimonial home and after investigation, the police submitted the final form as mistake of fact and the final



form has been accepted by learned Magistrate on 05.09.2023 and during the course of investigation, the present complaint was filed by the opposite party no. 2/complainant.

5. On the other hand, Mr. Deepak Kumar, learned counsel for the complainant, vehemently opposes the prayer for anticipatory bail and submits that after marriage, the petitioner assaulted the complainant for want of dowry and the allegation of having illicit relationship with nephew (Bhanja) of the petitioner is completely false and baseless and it is a ploy for the character assassination of the complainant.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that allegation against the petitioner and other family members is not specific and offence is triable by Magistrate, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-



(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Nawada, in connection with Nawada Complaint Case No. 1161(c)/2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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