

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4043 of 2025

Arising Out of PS. Case No.-920 Year-2023 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Niraj Kumar Soni @ Niraj Kumar S/o Kuldip Sah Resident of Village-
Paikpar PS - Bhargama Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari W/o- Niraj Kumar Soni @ Niraj Kumar, D/o- Late Parmanand Swarnkar Resident of Village- Satsang Bhawan Milki Chowk PS - Maranga Dist- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Nand Kumar, A.P.P.
For the O.P. No. 2	:	Ms. Anukriti Jaipuriyar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-05-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of the
opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 120(B), 494
and 498(A)/34 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the opposite
party no. 2 submits that the case has been allotted to her by the
High Court Legal Services Committee, Patna as the opposite party
no. 2 is not in a position to contest the case.

4. Learned counsel appearing on behalf of the petitioner
submits that petitioner, being the husband, has been falsely
implicated in the instant case. It is further submitted that the



petitioner was married with the opposite party no. 2 in the year 2013 and out of the wedlock a child was born who presently is staying with the opposite party no. 2. It is next submitted that the opposite party no. 2 along with the child on her own volition left the house in the year 2019 when petitioner is still willing to keep them.

5. Learned counsel appearing on behalf of the opposite party no. 2 submits that opposite party no. 2 and the child did not leave the house of the petitioner on their own volition rather they were ousted as the parents of the opposite party no. 2 were not in a position to fulfill the dowry demand of the petitioner and his family members. It is further submitted that no doubt a submission has been made that petitioner is still willing to keep the opposite party no. 2 and the child with honour and dignity but then the said submission has been made only for the purposes of securing anticipatory bail. It is next submitted that had the petitioner been really interested in keeping the opposite party no. 2 and the child with him then he would have moved before a Court of competent jurisdiction for getting his conjugal rights restituted. It is also submitted that from perusal of the order impugned, it would manifest that a case under the Domestic Violence Act was also instituted by the opposite party no. 2 wherein the petitioner was directed to pay an amount of Rs.12,000/- by way of maintenance



per month.

6. On query of the Court from the learned counsel appearing on behalf of the petitioner as to whether petitioner is paying the said amount or not on which the learned counsel appearing on behalf of the petitioner based on instruction submits that the amount is not being paid and the petitioner intends to challenge the same on which learned counsel appearing on behalf of the opposite party no. 2 submits that this is the conduct of the petitioner.

7. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned counsel appearing on behalf of the opposite party no. 2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Complaint Case No. 920 of 2023 pending in the Court of learned Chief Judicial Magistrate, Purnia/Successor Court.

8. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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