

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11255 of 2025**

Arising Out of PS. Case No.-759 Year-2022 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Amit Kumar Son of Umesh Kumar Resident of Village - Lala Bigha,
Makhdumpur, P.S. - Makhdumpur, District - Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gudiya Kumari Daughter of Kishori Mohan Singh Yadav Resident of
Village - Kamalpur, P.S. - Makhdumpur, District - Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

4 13-08-2025

Perused the mediation report.

2 It is informed by the Mediator that the mediation
between the parties has failed.

3 Heard learned counsel appearing for the petitioner
as well as the State and the informant.

4 This is an application for grant of anticipatory bail.
The petitioner is apprehending his arrest in connection with
Complaint Case No 759 of 2022 lodged under Sections 323,
341, 498A, 380, 504, 506/34 and 494 of the IPC, under Sections
17, 18, 19, 20, 22 and 23 of the Domestic Violence Act and also
under Sections 3, 4 of the Dowry Prohibition Act.

5 Before the Court of Chief Judicial Magistrate, a



complaint has been filed by Opposite Party No 2 wherein it has been alleged that her marriage was solemnized with the petitioner on 20.11.2018. Thereafter, on 11.02.2022, she went to her *Sasural* and lived well for some days. Allegedly thereafter, the present petitioner started demanding Rs 5 lacs as dowry and due to that demand, he along with his family members treated cruelty with the complainant. Lastly, on 26.08.2019, she was ousted from the house. Since then, she is residing in her parental house.

6 It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. Virtually no legal marriage was solemnized between both of them. Rather petitioner has been kidnapped by the family members and relatives of the complainant and they forcefully solemnized his marriage with the complainant against which the mother of the petitioner filed a complaint case being Complaint Case No 815 of 2018 on 21.12.2018 wherein the trial Court has taken cognizance under Sections 365/34 of the IPC and Sections 10, 11 of the Prohibition of Child Marriage Act. He further submits that the petitioner fled away from the house of the complainant on 05.07.2019 and, thereafter, lodged a case under Sections 12 (i)



(c) of the Hindu Marriage Act for declaring his said forceful marriage null and void wherein the complainant has appeared and filed her written statement. According to the counsel, since the complainant-opposite party No 2 is not the legally wedded wife of the petitioner, therefore, prima facie no offence under Section 498A of the IPC is made out. So far as the other offence is concerned, according to the counsel, to create a pressure, false and fabricated complaint has been filed.

7 Therefore, on these grounds, he prays for anticipatory bail.

8 Learned counsel for the State as well as Opposite Party No 2 opposes the argument raised by the learned counsel for the petitioner.

9 Considering the submission advanced by the learned counsel that on the basis of complaint made by the mother of the petitioner, a case for the offence under Sections 365/34 of the IPC has already been lodged and cognizance for the offence has already been taken by the Magistrate and further considering the fact that the petitioner filed a Matrimonial Case No 186 of 2019 declaring his marriage null and void, I am of the view that the petitioner should be granted the benefit of anticipatory bail.

10 Accordingly, this application is allowed.



11 The petitioner above named, in the event of his arrest or surrender within four weeks from today, shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of CJM, Jehanabad in Complaint Case No 759 of 2022 dated 16.12.2022 subject to the conditions as laid down under Sections 482 of the BNSS.

(Arvind Singh Chandel, J)

M.E.H./-

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