

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13116 of 2025

Arising Out of PS. Case No.-951 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Anil Kumar @ Anil Sah Son of Amirilal Sah Resident of Village - Lakhaura
Bichala Tola, P.S. - Lakhaura, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nira Kumari Wife of Anil Sah, Daughter of Shivshankar Sah Resident of
Village - Badkagawon, P.S. - Pakridyal, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Balgovind Sharma, Advocate
For the Opposite Party/s	:	Mrs. Pushpa Sinha, APP
For the Complainant	:	Mr. Abhishek Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2025 Heard Mr. Balgovind Sharma, learned counsel for

the petitioner, Mr. Abhishek Kumar, learned counsel appearing

on behalf of the complainant as well as Mrs. Pushpa Singh,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 951 of 2024 for the
offences punishable under Sections 406 and 498 A of the Indian
Penal Code and Section 3/4 of the D.P. Act.

3. According to prosecution case, all the accused
persons including the petitioner assaulted the complainant and
thrown her along with her children out of her matrimonial house
due to non-fulfillment of demand of dowry.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. In fact, the present complaint petition has been filed on 26.04.2024 and before filing of the present complaint petition the petitioner has filed the Divorce Suit No. 206 of 2024 before the learned Principal Judge, East Champaran, Motihari which is pending for consideration and when the complainant got to know about the said divorce case then she has filed the present complaint petition only to harass the petitioner. He further submits that the petitioner is ready to pay Rs. 5,000/- per month to the complainant as an interim maintenance. Apart from that the petitioner has also filed Guardianship Case No. 18 of 2024 seeking guardianship of his three children, namely, Himanshu Kumar, Aryan Kumar and Ansh Kumar.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Complaint Case No. 951 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall pay Rs. 5,000/- per month to the complainant as an interim maintenance in her bank account whose details are :- Name- Nira Devi, A/c No. 50281515686, IFSC Code- IDIB0008671, Bank Name- Indian Bank starting from May, 2025. If the petitioner fails to pay Rs. 5,000/- as mentioned above, the complainant has liberty to move before the appropriate forum for cancellation of bail bond of the petitioner.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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