

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18929 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- GAYA COMPLAINT CASE District-
Gaya

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Rajan Kumar Son of Sunil Kumar @ Sunil Prasad Resident of Village-
Gulamahiychak, PO -Sabbalpur, PS- Nadi, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shimpy Kumari D/O- Gopal Prasad and Wife of Rajan Kumar Resident of
Mohalla-Manpur, Kalali Road, P.O. and P.S.- Buniyadganj, Distt.- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Kumari Monika, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2025 Heard Ms.Kumari Monika, learned counsel for the

petitioner, learned counsel for the complainant and Mr.Rana
Randhir Singh, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.108 of 2024 (cognizance
taken under Section 498A of IPC against the petitioner).

3. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim 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. The allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. Before filing of the present complaint petition, the petitioner has filed a Matrimonial Case No.156/2022 against the complainant under Section 12 of the Hindu Marriage Act for nullifying/declaring void the marriage for the reason that at the time of marriage, opposite party No.2 was having pregnancy of four weeks. The aforesaid Matrimonial Case No.156/2022 was filed on 24.11.2022 and the present complaint petition has been filed by the complainant on 09.02.2024. Learned counsel for the petitioner further submits that the complainant had appeared in the Matrimonial Case No.156/2022.

5. Learned counsel for the complainant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the complainant submits that the complainant has never appeared in the Matrimonial Case No.156/2022 but fairly submits that the complainant has filed a transfer case before the Patna High Court for transfer of the Matrimonial Case No.156/2022 from the court of learned Principal Judge, Family Court, Patna to learned Principal Judge,



Family Court, Gaya and which is still pending for consideration.

6. Considering the aforesaid facts, petitioner has clean antecedent and he has already filed the Matrimonial Case No.156/2022 for nullifying the marriage in question and complainant has already filed the transfer case which is still pending for consideration before this Court, let the petitioner, above named, in the event of his 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 learned Judicial Magistrate-1st Class, Gaya in connection with Complaint Case No.108 of 2024 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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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