

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18645 of 2025

Arising Out of PS. Case No.-50 Year-2023 Thana- COMPLAINT CASE - BIRAUL AT
BENIPUR District- Darbhanga

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Ajit Kumar Sah, S/O Upendra Sah R/O vill - Chaita Leelaji Haat, P.S -
Angarghat, Dist- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari W/O Ajit Kumar Sah, D/o Rajiv Kumar R/O vill - Chaita
Leelaji Haat, P.S - Angarghat, Dist- Samastipur. At present resident of vill.-
Kamalpur, P.O- Morwara- 2, P.S- Biraul Dist- Darbhanga, Pin Code-
848209.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Lovekush Kumar
For the Opposite Party/s :	Ms. Indu Kumari Srivastava
	Mr. Vijay Kumar Sinha
	Mr. Shashikant Yadav
	Mr. Satyendra Kumar Bhatnagar
	Mr. Kumar Shivam Sinha
	Mr. Santosh Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-05-2025 1. Heard learned counsel for the petitioner, learned

APP for the State and the learned counsel appearing on behalf of

the complainant.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 323, 354, 498A and 504 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that

the petitioner is a person with clean antecedent and the

complainant alleges that she was married to petitioner on



24.04.2013. After marriage, a daughter was born thereafter, she again conceived and the petitioner got a gender test done and came to know that second child is also a female, thereafter the petitioner along with other accused persons compelled her to get the child aborted which caused immense mental trauma and physical pain, further, alleges that accused persons including the petitioner were of the view that younger brother of the petitioner namely, Sujeet is not getting marriage proposal because of the complainant, thus they forced the complainant to get her younger sister married to Sujeet or else they will not allow her to remain in the matrimonial home, thus, under compulsion, her younger sister was married to Sujeet. Further, alleges that for sometimes the situation normalized, but thereafter, petitioner who is a drunkard used to get drunk with his friend Raushan and Raushan used to act inappropriately, Further, the petitioner along with other accused were planning to kill her which she over heard, thus she came back to her parental home on 02.05.2021 along with her daughter, but petitioner conveyed to everyone that complainant fled with a male to demean him. Further, the petitioner through Raushan got morphed picture circulated on social medial for which her brother instituted Angarghat P. S. Case No. 111 of 2021, but petitioner got bail of



Raushan and became a bailor with Upendra. Further, petitioner pressurized her for giving divorce but she was not willing, thus they did not allow her younger sister to talk to the family.

4. The learned counsel for the petitioner submits that petitioner being husband has been falsely implicated in the instant case by the complainant. It is next submitted that allegation of getting the gender test done and child aborted is figment of imagination of the complainant for the reason that had the complainant been subjected to a gender test and thereafter, the child would have been aborted, at least the complainant would have furnished the name of the doctor and the clinic where the said gender test/abortion was done, but then, neither the name of the doctor nor the name of the clinic is recorded in the complaint. It is next submitted that had the petitioner or his family members acted in a manner as has been alleged, in that event, the complainant would never have allowed her younger sister to get married to the younger brother of the petitioner rather would have suffered all the trauma which was being inflicted on her as alleged by the petitioner and his family members. It is also submitted that the younger sister of the complainant is still staying with Sujeet in her matrimonial home, but then, complainant for reasons best known does not



intend to stay with the petitioner. It is also submitted that in order to give serious colour to the case, it has been alleged that Raushan in a drunken state used to act inappropriately with the complainant at the behest of the petitioner, but then, the complaint does not even remotely suggest that on which date or time the said act was committed. It is submitted that no woman will ever forget the date and time of inappropriate occurrence with her by a male/stranger. It is further submitted that since Raushan was implicated in a false case, as such, the petitioner being his friend became his bailor.

5. The learned counsel appearing on behalf of the petitioner next submits that a specific pleading at Para-9 of the anticipatory bail application has been made that the complainant does not want to live with the petitioner as she does not like him and she is carrying business of beauty-parlour- cum- saloon at Mirzapur, Darbhanga, in support of which, a photograph is annexed as Annexure-3. It is next submitted that the complainant is instituting cases after cases against the petitioner being Complaint Case No.50(C) of 2023 under Section 498A of the I.P.C. read with other Sections, Domestic Violence Case No.01 of 2024, under Section 12 of the Domestic Violence Act, in the Court of the learned S.D.J.M., Biraul and Maintenance



Case No.62 of 2023 filed in the Court of the learned Principal Judge, Family Court, Darbhanga under Section 125 Cr.P.C. It is submitted that in Domestic Violence Case, the petitioner was not even noticed and the learned Court directed the petitioner to pay a monthly maintenance of Rs.10,000/-. It is next submitted that petitioner runs parchun (small grocery) shop in the village along with his father and brother and his income is not such that he can afford to pay Rs.10,000/- to the complainant every month. It is thus submitted that petitioner will challenge the order passed in the Domestic Violence Case. It is next submitted that had an opportunity been given to the petitioner, perhaps the petitioner would have been in a position to persuade the learned Court that he is not in a financial condition to pay Rs.10,000/- by way of maintenance. It is also asserted and submitted that complainant is having beauty-parlour at Darbhanga from which she is earning and the said pleading made at Para-9 is not rebutted by the complainant in her reply filed to the anticipatory bail application. The learned counsel appearing on behalf of the petitioner further submits that petitioner being father is aware of his responsibility and is willing to pay a monthly maintenance of Rs.5,000/-, but then, the same would be subject to the maintenance fixed by a Court of competent jurisdiction. The



learned counsel for the petitioner further submits that the opposite party no.2 got the process under Section 82 Cr.P.C. issued based on which the police attached the property of the petitioner in absence of any order under Section 83 Cr.P.C. issued.

6. The learned counsel appearing on behalf of the opposite party no.2 vehemently rebuts the submission made by the learned counsel appearing on behalf of the petitioner, but then, is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the name of the doctor and clinic is not disclosed in the FIR. The specific pleading made at Para-9 of the anticipatory bail application is not rebutted in the counter-affidavit and that younger sister of the complainant is married to the younger brother of the petitioner.

7. At this stage, the learned counsel appearing on behalf of the opposite party no.2 submits that since petitioner is willing to pay a monthly maintenance of Rs.5,000/-, as such, no useful purpose would be served by sending him to jail as chances of future reconciliation will also get marred.

8. Considering the submissions made by the learned counsel for the parties, the petitioner, above-named, in the event



of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Biraul, Darbhanga in connection with Complaint Case No.50(C) of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail of the petitioner, in the event, if the petitioner does not pay the monthly maintenance as agreed for two consecutive months.

11. It is also made clear that the present maintenance shall stop if maintenance is fixed by the learned Family Court, Darbhanga.

(Satyavrat Verma, J)

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