

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29334 of 2025

Arising Out of PS. Case No.-1037 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Abhishek Kumar Singh @ Abhishek Kumar S/o Bijendra Kumar Singh @
Bhutkun Singh R/o Village- Amnaur Sultan, P.S.- Amnaur, District- Saran,
Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Putul Kumari W/o Abhishek Kumar Singh and D/o Baliram Singh R/o Vill.-
Rupni, P.S.- Madhuban, Distt.- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar, adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-09-2025 Heard Mr. Samir Kumar, learned counsel for the

petitioner and Mr. Karandeep Kumar representing the informant

beside Mr. Bharat Bhushan for the State.

2. The petitioner apprehends his arrest in connection
with Session Trial No. 1037 of 2024 arising out of Complaint
Case No. 1037 of 2024 for the offence registered under sections
498(A).

3. As per the prosecution story, the lady alleged that
she was married to the petitioner in the year 2020 but was
tortured for dowry and finally in April 2022, she was assaulted.
This led to the FIR.

4. Earlier, the Co-ordinate Bench upon appearance of



the informant sent the matter to the Mediation Centre but as per the report dated 01.07.2025, it failed.

5. Learned counsel for the petitioner submits that he has preferred divorce suit before the Court of Principal Judge, Family Court, Saran at Chapra on 18.04.2024 and soon thereafter, the FIR was lodged on 06.05.2024 beside filing the maintenance case.

6. He submits that though the mediation has failed, till a decision comes in the divorce case/maintenance case, the petitioner on its own would like to make payment of Rs. 7,500/- per month to the lady in her bank account by 10th of every month. Failure to do so, the lady can take steps for cancellation of his bail bond, if relief is extended to him.

7. Mr. Samir Kumar further submits that the petitioner shall ensure that he appears in the matrimonial case so that the matter is taken up and disposed of.

8. Learned counsel for the informant on the other hand opposes the prayer submitting that what he has observed that before the Mediator, the look of the lady was the prime problem for the petitioner despite the fact that he is educated and is an engineer. The lady is only twenty three years of age and has been abandoned for last three years.



9. It has been informed by Mr. Karandeep Kumar that the lady due to her economic condition has preferred MJC No. 1916 of 2024 which is presently pending.

10. Though it is unfortunate that despite taking good education, the couple are not continuing for long, in this particular case, as divorce suit has been filed, the petitioner has no criminal antecedent, the lady has also filed maintenance case, in that background, this Court deems it appropriate to extend relief to him. This is subject to payment of Rs. 7,500/- by tenth of every month in the bank account of the lady and failure to do so, she shall be free to take steps for cancellation of the bail bond.

11. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sadar, Motihari, East Champaran in connection with Session Trial No. 1037 of 2024 arising out of Complaint Case No. 1037 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family



members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

12. Once the order comes in the maintenance case, this order of payment shall merge with the said order.

(Rajiv Roy, J)

Vijay Singh/-

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