

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48256 of 2025

Arising Out of PS. Case No.-1483 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Mantosh Kumar, S/O Late Sadhu Chaudhary, R/O Village-Itwa, P.S.- Pakri Dayal, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mikki Devi @ Mikki Kumari, D/o- Shankar Sah, Resident Of Village-Kishunpur, P.S.- Pipra Kothi, Distt.- East Champaran, At Present W/O- Mantosh Kumar, Resident Of Village- Itwa, P.S., Pakri Dayal, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Opposite Party/s : Ms. Shaheen Begum, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-11-2025 Heard learned Advocate appearing on behalf of the petitioner learned Additional Public Prosecutor for the State as well as the learned Advocate for the opposite party no. 2.

2. The petitioner happens to be husband of the opposite party no. 2, apprehending his arrest in connection with T.R. No. 1915 of 2024 arising out of Complaint Case No.1483 of 2023, registered for the offences punishable under Sections 498A of the Indian Penal Code.

3. The marriage of the petitioner was solemnized on 28.02.2017, however, soon after the marriage, the opposite party no. 2 was subjected to demand of dowry and on account of non-



fulfillment of the same, she was tortured in various ways. It is also alleged that she was brutally assaulted at the hands of the petitioner.

4. There is a complete denial of entire prosecution case. Learned Advocate appearing on behalf of the petitioner submits that the petitioner has always been ready to keep the opposite party no.2 with due respect and dignity, but, it is the opposite party no. 2 who does not want to live with the petitioner. In pursuant to the order of this Court, dated 06.08.2025, the petitioner had also visited the house of the opposite party no.2 to bring her back to the matrimonial house, but she refused to do so. The *bonafide* of the petitioner is also writ large, as he has filed a Matrimonial Case No. 622 of 2023 under Section 9 of the Hindu Marriage Act for restitution of conjugal right, wherein notice has also been issued.

5. On the other hand, learned Advocate for the State and the opposite party vehemently opposed the pre-arrest bail application and submits that the contention of the petitioner that he had gone to the house of the opposite party no. 2 to bring her back is not a true fact.

6. Regard being had to the submissions made on behalf of the parties and considering the fact the dispute has arisen on account of a matrimonial dispute, coupled with the



fact the petitioner had also filed an application for restitution of conjugal right, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIIIth, Motihari, East Champaran in connection with Complaint Case No. 1483 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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