

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42599 of 2025

Arising Out of PS. Case No.-2853 Year-2024 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Aman Kumar @ Aman Chaudhary, S/o- Late Dinesh Chaudhary, Resident of
Village- Mansinghpur Bijrauli, P.S. -Tisiauta, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nivedita Kumari, W/o- Aman Kumar @ Aman Chaudhary, D/o- Ganesh
Kumar Singh Village- Karhari W.No-3, Po Ps- Bhagwanpur Dist- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prakash Chandra, Advocate.
For the State	:	Mr. Arun Kumar, APP
For the Complainant	:	Mr. Mukesh Kumar, Advocate Mr. Shivjee Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 15-11-2025 Heard learned counsel for the petitioner and learned

APP for the State and learned counsel for the

Complainant/Opposite Party No. 2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 2853 of 2024, dated
13.11.2024 registered for the offences punishable under Section
498(A) of the Indian Penal Code.

3. As per allegation, marriage between the petitioner
was solemnized with the Complainant on 18.04.2024 and,
thereafter, they lived together only 14 days and subsequently,
the petitioner/husband left for Lucknow, where he is doing a



private job. It is further alleged that soon after the marriage, there was demand of four wheeler vehicle and on account of non-fulfillment of the same, she was subjected to cruelty.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, personality of the petitioner and the complainant/wife are not compatible. Moreover, the Complainant/wife has suspicion that the petitioner has illicit relationship with his *Bhabhi* (wife of brother of the petitioner). Hence, the marriage is not working and several litigations have been initiated by the Complainant/wife i.e. Maintenance case, Domestic Violence Act as well as complaint case. He also submits that maximum punishment prescribed for the alleged offence is three years and hence, in view of the direction of Hon'ble Supreme Court in **Arnesh Kumar case, (2014) 8 SCC 273**, the petitioner should be enlarged on anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.



7. However, learned APP for the State and learned counsel for the Complainant vehemently oppose the prayer of the Petitioner for bail. Learned counsel for the Complainant submits that the petitioner is not keeping his wife with love and dignity and despite his demand, he is not taking the Complainant/wife to her matrimonial home.

8. It appears that both the parties are having matrimonial disputes and they are already before the Family Court and, hence, they are advised to settle their disputes before the Family Court. Moreover, the maximum punishment prescribed for the alleged offence is three years.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in connection with Complaint Case No. 2853 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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