

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47940 of 2025

Arising Out of PS. Case No.-1018 Year-2023 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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Manish Kumar @ Manish Kumar Jaiswal, S/o- late Shish Jaiswal, r/o Village-
Purani Haveli, Mahnar Ganga Road, P.S. - Mahnar, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari @ Pinki Jaiswal, W/o- Manish Kumar Jaiswal, D/o- Shri
Ramesh Jaiswal, r/o village- Sabalpur, P.S.- Nadi, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate.
For the State	:	Ms. Rina Sinha, APP
For the Complainant	:	Mr. Vijay Prakash, Advocate. Mr. Kundan Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner, 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. 1018 of 2023 dated
8.8.2023 registered for the offences punishable under Sections
323, 341 and 498-A of the Indian Penal Code.

3. As per allegation, marriage between the petitioner

and the Complainant was solemnized in the year 2017 and

subsequently, a female baby was born out of the wedlock and,

thereafter, additional demand of Rs.5,00,000/- and a Scorpio



vehicle started on the part of the petitioner and his family members and on account of non-fulfillment of the same, the Complainant/wife has been ousted from the matrimonial home and for last one year, she along with her minor daughter is living at her parental home.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is ready to keep his wife and there is no truth in the allegation of demand of dowry and cruelty therefor.

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/O.P. No. 2 vehemently oppose the prayer of the Petitioner for bail. Learned counsel for the Complainant submits that petitioner/husband is not willing to keep his wife and minor daughter. He further submits that even the Complainant has filed a matrimonial petition before learned Family Court under Section 9 of the Hindu Marriage Act.



However, on account of poverty and for want of any income, she could not pursue her petition filed under Section 9 of the Hindu Marriage Act. He also submits that petitioner is not paying even a single penny to the Complainant/wife and her minor daughter for their maintenance.

8. From the aforesaid facts and circumstances, it appears that there is matrimonial dispute between the parties and as per the statement of learned counsel for the petitioner, petitioner/husband is willing to take his wife and minor daughter to matrimonial home. However, if he fails to take his wife and minor daughter to matrimonial home within a month, the Complainant should file restitution petition before the Family Court besides filing maintenance case for maintenance of herself and her minor daughter in which she may also get litigation cost from the petitioner/husband.

9. Accordingly, **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. 1018 of 2023 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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