

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55450 of 2025

Arising Out of PS. Case No.-2907 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Surendra Prasad S/o Santalal Bhagat @ Santlal Bhagat Resident of village-
Ishupur, P.S.- Industrial Area, Hajipur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babli Devi @ Supriya Devi W/o Surendra Prasad R/o Village- Chirand, P.S.-
Doriganj, District- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Mili Kumari, Advocate Ms. Aashi Wats, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP
For the Informant	:	Mr. Uday Chand Prasad, Advocate Ms. Pooja Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-08-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the
complainant/opposite party no.2, who has appeared *suo motu*.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Saran Complaint Case no.2907 of 2022 registered under
sections 498A, 323, 324 and 341 of the Indian Penal Code.

3. As per the prosecution case, the petitioner was
married to the opposite party no.2 on 7.12.2012. The
complainant states that the accused persons including the
petitioner herein tortured her for non-fulfillment of the demand
of a Bullet motorcycle and Rs.15 lacs in cash for purchasing a



piece of land and on non-fulfillment of the same, she was abused, assaulted and forced out of the house. Hence the instant case.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the complainant. Cognizance was taken in the case under section 498A, 323 and 341 of the Indian Penal Code, however it is not in dispute that no injury report has been brought on record. Learned counsel submits that the allegations levelled in the complaint are all false and concocted. There was no question of making any demand etc. after 10 years of marriage. The allegations levelled in the complaint are bald and no supporting documents have been brought on record to substantiate the same. The petitioner undertakes to cooperate in the trial. He has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the complainant/opposite party no.2. It is submitted by learned counsel for the opposite no.2 that not only the petitioner is the husband of the complainant but there is direct allegation against him of assault and of having made a demand of Rs.15 lacs. The



opposite party no.2 has been forced out of the house with three children and has no source of income to maintain herself and her children and as such it is submitted that at least some maintenance be granted.

6. It may be mentioned here that on a query by this Court, learned counsel for the opposite party no.2 submits that as per oral instructions received Maintenance Case no.122 of 2023 has been filed by the complainant in the Court of learned Principal Judge, Family Court, Saran at Chapra wherein the petitioner is the sole opposite party, however inspite of information he is not appearing therein and avoiding the same.

7. In response it is submitted by learned counsel for the petitioner that he has no instruction with respect to the status of the maintenance case and as to whether the petitioner has appeared therein or not. However the learned counsel assures that in case the petitioner has not already appeared in the maintenance case, he shall appear in the same within a period of two weeks from today.

8. Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioner in the complaint, the marriage having taken place more than 10 years ago and the petitioner not having any



criminal antecedent, in the facts of the case it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Saran Complaint Case no.2907 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Saran, Chapra.

9. It is further directed that in case the petitioner has not already appeared in the aforesaid Maintenance Case no.122 of 2023 pending in the Court of learned Principal Judge, Family Court, Saran at Chapra, as undertaken above he shall appear in the Court within a period of two weeks from today.

(Partha Sarthy, J)

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