

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61108 of 2024

Arising Out of PS. Case No.-2040 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Rahul Kumar Soni Son of Pradeep Sah Resident of Village - Sarbarganj, Ward No.9, Police Station - N.H. Bangra, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjula Kumari @ Anjula Devi Wife of Rahul Kumar Soni Resident of Village - Sarbarganj Kothiya, Ward No.9, Police Station - N.H. Bangra, District - Samastipur. Presently Daughter of Jagdish Sah, Resident of Village - Sarbarganj, Ward No.9, Police Station - N.H. Bangra, District - Samastipur
3. Sanjit Sah Son of Late Aklu Sah Resident of Village - Musapur Ward No.01, P.S. - Muffasil, District - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv
For the State : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 30-04-2025 Heard learned counsel for the petitioner, learned counsel for the Opposite Party No. 2 and the State.

2. Petitioner apprehends his arrest in connection with C.R No. 2040 of 2022 registered for the offences punishable under Sections 498A, of the Indian Penal Code and section 4 of the D. P. Act.

3. The petitioner is husband of the OP.No.2 and the Complaint case has been filed by opposite party no. 2 making an allegation of demand of dowry and torture.

4. Learned counsel for the petitioner submits at the



outset, that the dispute is with regard to factum of marriage and he stated that O.P.No.2 is of the same village but they belong to two different castes. It has further been stated that the marriage of the petitioner was forcibly done by the family members of O.P.No.2. It is also a fact that O.P.No.2 was already married with one Sanjeet Kumar whose address has also been stated in the petition and the petitioner has also made the said Sanjeet Kumar a party to the present anticipatory bail application to whom notices were also issued. It is further submitted that he has filed the Matrimonial Case No. 19 of 2019 on 18.04.2019 under section 11 of Hindu Marriage Act for declaring the marriage null and void as no divorce has been taken by the O.P.No.2 from her earlier husband.

5. Learned APP for the State and learned counsel for the O.P.No.2 however oppose the bail application and also oppose the factum of earlier marriage of the O.P.No.2.

6. At this stage, the learned counsel for the petitioner makes an offer to pay a sum of Rs. 2500/- per month to the informant, subject to the final outcome of any maintenance proceeding and would also be subject to the case filed by the petitioner for declaring the marriage a nullity.

7. Considering all the above mentioned facts and



circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub- Divisional Judicial Magistrate Samastipur in C.R No. 2040 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

8. Learned counsel for the O.P.No. 2 under instruction, submits that she undertakes to provide her bank account details to the petitioner within a period of two weeks from today, If the O.P.No. 2 furnishes the bank account in which the amount can be transferred, and yet the petitioner fails to give the aforesaid amount on two consecutive dates to O.P.No.2, the O.P.No.2 would be at liberty to file cancellation of bail .

(Soni Shrivastava, J)

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