

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65763 of 2024

Arising Out of PS. Case No.-1034 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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Anish Kumar S/O Dhurb Kumar @ Dhurub Kumar R/O Village- Raniganj,
P.S- Tekari, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/O Anish Kumar R/O Village- Raniganj, P.S- Tekari, Distt.-
Gaya. Presnely residing at Village- Kasima, P.S- Tekari, Distt.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv.
For the State	:	Mr. Lakshmi Kant Sharma, APP.
For the Complainant	:	Mr. Sudhir Kumar Sinha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 25-04-2025 Heard learned counsel for the petitioner, learned counsel
for the opposite party no.2 (complainant) and learned A.P.P. for
the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
506, 504, 379, 498(A) of the Indian Penal Code, but the learned
Magistrate took cognizance under Section 498(A) of the Indian
Penal Code against the petitioner.

3. Petitioner, who is husband of the complainant, is said
to have tortured upon her physically and mentally in association
of his family members.

4. Learned counsel for the petitioner submits that all the



allegations levelled against the petitioner is totally absurd and based on concocted facts. He also denies the factum of marriage and submits that the petitioner has never solemnized marriage with the complainant. It is further submitted that the age of the petitioner mentioned in the complaint petition is also not correct as the petitioner is hardly 20 years old, which is also evident from his Aadhar Card, whereas the age of the complainant is more than 35 years having two children and this age difference between the parties itself creates serious doubt regarding the prosecution case. Learned counsel further submits that the complainant has never met any family member of the petitioner. However, learned counsel further submits that the petitioner was a friend of the complainant's husband and after his death, he gave some money to the complainant for her livelihood and thereafter, only with a view to harass and to extort handsome money, the complainant has filed the instant false complaint case against the petitioner. It is lastly submitted that there is inordinate and abnormal delay in filing the complaint petition without assigning any plausible and convincing reason for the said delay.

5. Learned APP for the State and learned counsel for the complainant oppose the prayer for bail.



6. Considering all the above mentioned facts and circumstances of the case and particularly the factum of denial of marriage as well as the substantial delay in filing the complaint petition, I am inclined to extend the privilege of anticipatory bail to the petitioner, who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 1034 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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