

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79456 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- MAHILA P.S. District- Saran

Pankaj Kumar S/O Sri Janak Deo Prasad R/O Village- Chan Chaura, P.S-
Rasaulpur, District- Saran (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ruby Kumari @ Ruby Devi W/O Pankaj Kumar D/O Sri Sureshwar Prasad
At Present residing at infront of Gandhi Shishu Park, behind Girls School,
Bus Stand Road, P.S- Bhagwanpur, Distt.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Mahila Thana Saran P.S. Case No. 30 of 2025
registered for the offences punishable u/ss 85, 82, 126(2), 127(2),
351(2), 352 read with Section 3(5) of the B.N.S.

3. As per the prosecution case, the petitioner and the co-
accused persons are alleged to have tortured the informant
mentally and physically due to non-fulfillment of demand of
dowry. The informant tried to live at her matrimonial home but the
petitioner and his family members are not ready to keep the
informant.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the informant. The informant has filed Maintenance Case No. 08 of 2019 before learned Family Court, Chapra by which the petitioner was directed to pay of Rs. 10,000/- per month and the petitioner moved Cr. Revision against the said order before the Hon'ble High Court, Patna. However, the petitioner is paying current maintenance amount in favour of the informant. The petitioner has filed Matrimonial Case No. 48/2024 for decree of divorce against the informant then the informant lodged the present F.I.R. in retaliation of the said matrimonial case. The petitioner has relied upon the judgment of this Court in the case of **"Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal**



**Appeal No(s). 2207 of 2023 arising out of Special Leave
Petition (CRL.) No. 3433 of 2023.** The petitioner has two
criminal antecedents as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed
the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of
the case, let the above named petitioner, in the event of his
arrest/surrender within a period of six weeks from today, be
enlarged on anticipatory bail on furnishing bail-bond of Rs.
20,000/- (Rupees twenty thousand) with two sureties of the like
amount each to the satisfaction of the learned court concerned,
Chapra, Saran in connection with Mahila Thana Saran P.S. Case
No. 30 of 2025, subject to conditions as laid down under section
482(2) of the B.N.S.S.

7. If so advised, either of the parties will be at liberty
to make an application before the Court below for referring the
matter to the District Mediation Centre for the purpose of
reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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