

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79368 of 2025

Arising Out of PS. Case No.-49 Year-2024 Thana- MAHILA PS District- Aurangabad

=====

Awanish Kumar @ Awanish Kumar S/O Late Ramakant Pandey R/O Village-
Ramnagar, P.S.-Khudwan, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bindu Kumari W/O Awanish Kumar, D/O Arbind Pandey R/O Village-
Bairwan, P.O- Bairiya, P.S- Mali, Distt.- Aurangabad.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, 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 P.S. Case No. 49 of 2024 dated
11.08.2024 registered for the offences punishable u/ss 126(2),
115(2), 352, 85 read with Section 3(5) of the B.N.S.

3. As per the prosecution case, the marriage of the
informant was solemnized with the petitioner on 18.04.2017. It
is further alleged that after marriage, she was being harassed
and subjected to cruelty by the petitioner and the co-accused
persons. It is further alleged that on 04.08.2025, the accused
persons assaulted the informant and snatched her ornaments.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is working as a Gramin Dak Sevak on the monthly salary of Rs. 22060/- and he was appointed on compassionate ground after the death of his father. The informant has also filed an application in the court of Principal Judge bearing Maintenance Case No. 214/2024 for seeking ad-interim maintenance. The learned Principal Judge directed the petitioner to pay ad-interim maintenance of Rs. 5,000/- and since September 2024, the maintenance of Rs. 5,000/- is being paid to the informant regularly in her account by the petitioner. A copy of the maintenance application is annexed as Annexure-5 with the bail petition. It is further submitted that the petitioner having no option filed an application bearing Matrimonial Case No. 291/2025 for dissolution of marriage which is annexed as Annexure 7 with the bail petition. 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 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 no criminal antecedent 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, Aurangabad in connection with Mahila P.S. Case No. 49 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S. with further condition :

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date,



*failing which on two consecutive dates
without reasonable cause, the bail bond of
the petitioner is liable to be cancelled.*

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)

Gautam/-

U		T	
---	--	---	--

