

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85393 of 2024**

Arising Out of PS. Case No.-3173 Year-2022 Thana- VAISALI COMPLAINT CASE  
District- Vaishali

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Chandan Kumar S/o Lalan Prasad Singh @ Lalan Prasad R/o Village-  
Chhitrauli, Police Station- Goraul, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanchal Devi @ Chanchala Kumari @ Chanchala Devi D/o Kishori Prasad  
R/o vill and P.O. - Piroi, P.S. - Goraul, Distt.- Vaishali

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr.Asha Devi, APP

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**

ORAL ORDER

5      09-07-2025                      Heard learned counsel for the petitioner and learned  
counsel for the OP.No.2 learned counsel for the State.

2. Petitioner apprehends his arrest in a case registered  
for the offences punishable under sections 498A, 494, 323, 379  
of the Indian Penal Code and section 3/4 of the D.P.Act.

3. The case is one under section 498A and the petitioner  
is husband. The petitioner had earlier been granted the privilege  
of anticipatory bail by the learned Court of Sessions Judge  
Vaishali at Hajipur vide order dated 28.02.2024. However, one  
of the condition of the said bail was that one of the bailors  
would be the family member of the complainant and this  
condition could not be fulfilled.

4. The application for modification was moved on  
behalf of the petitioner before the same court vide order dated  
21.10.2024, but the learned court concerned was not inclined



to modify the earlier bail order passed in ABP No. 3342 of 2024 and hence, the Criminal Miscellaneous petition was dismissed.

5. In the present application, the petitioner has already been granted the privilege of provisional bail vide order dated 16.12.2024, while issuing notice to opposite party no.2.

6. It has been submitted on behalf of the petitioner that although the petitioner made all the efforts to take his wife along with him but the said condition could also not been fulfilled as the wife refused to go along with him. He has invited the attention of this Court to order dated 21.10.2024 of the learned court below from which it appears that both of them have not obeyed the earlier order of the concerned court making allegations against each other.

7. The learned counsel for the O.P.No. 2 however opposes the bail. The condition imposed upon the petitioner for grant of bail in the circumstances as aforesaid would obviously not be fulfilled and in such condition, the family member of the person, who has filed the case to become one of the bailors also becomes an unreasonable and onerous one.

8. However, at this stage, the learned counsel for the petitioner makes an offer to pay a sum of Rs. 3,000/- per month to the OP.No. 2, subject to final outcome of any maintenance or



collateral proceeding.

9. Considering all the above mentioned facts and circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner, let in the event of his arrest/ surrender within a period of four weeks from today, the petitioner 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 court below where the case is pending/ successor court in Complaint Case No.3173 of 2022, subject to condition as laid down under section 438(2) of the Cr.PC and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

10. 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 .

11. The application stands allowed.

N.K/-

**(Soni Shrivastava, J)**

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