

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88741 of 2024

Arising Out of PS. Case No.-17 Year-2019 Thana- DOMESTIC VIOLENACE District- Patna

Amresh Kumar S/o- Ayodheya Prasad Resident of Chhoti Badalpura Danapur
Cum Khagaul PS -Khagaul Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajni Kumari D/o- Moti Lal Mehta Moh- Sandalpur Po- Mahendru Ps-
Bahadurpur Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aryan Sinha, Adv
For the State	:	Mr.Dilip Kumar No. 1, APP
For the OP.No.2	:	Mr. Sanjay Kumar, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 15-07-2025 Heard learned counsel for the petitioner and learned
counsel for the OP.No.2 learned APP for the state.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under sections 31 of the Protection
of Women from Domestic Violence Act.

3. The case is one under Domestic Violence Act and
petitioner is the husband. The complaint case discloses an
allegation of abuse, insult, verbal and emotional torture.

4. Learned counsel for the petitioner submits that the
opposite party no. 2 had earlier also filed a case under section
498A against the present petitioner in which a privilege of
anticipatory bail was granted vide order dated 05.09.2018
passed in Cr. Misc. No. 55028 of 2018. The marriage was
solemnized way back in the year 24.11.2016 and it is only on
account of some marital discord between the husband and wife



the cases under section 498A and the present case have been filed against the petitioner with false and baseless allegations. It has also been submitted that due to the behaviour of OP.No.2, the petitioner was compelled to file a Divorce case no. 1091 of 2019 on 16.07.2019 before the Principal Judge Family Court, Saket New Delhi which was subsequently transferred to the Family Court, Patna.

5. The learned counsel for the O.P.No. 2 however points out that there is a protection order in favour of the complainant and the petitioner is acting in utter disregard and violation of the same. It is further pointed out that the petitioner has still not appeared and is not participating in the proceeding before the learned court concerned. The learned counsel for the OP.No. 2 submits that OP.No. 2 along with her minor child have been left in lurch.

6. At this stage, the learned counsel for the petitioner makes an offer to pay a sum of Rs. 3,000/- per month subject to final outcome of any maintenance or collateral proceeding and further undertakes to appear in the D.V Case proceedings and would fully co-operate so that the case is reached to its logical conclusion.

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 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 D.V Case No. 17 of 2019, subject to condition as laid down under section 438(2) of the Cr.PC.

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 and further in case the petitioner does not appear and co-operate in the D.V Case proceeding, the learned court concerned would be free to cancel the bail bond of the petitioner.

9. Accordingly, the application stands disposed of.

(Soni Shrivastava, J)

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