

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2788 of 2026

Arising Out of PS. Case No.-221 Year-2024 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Pawan Kumar Thakur, Son of Late Dayanand Thakur, Resident of village-
Khajechak PS- Haveli Kharagpur Dist -Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-02-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kotwali (Barari) P.S. Case No. 221 of 2024 registered for the offences punishable under Sections 380 of the Indian Penal Code.

3. Based upon the written report, the informant alleges that on the intervention of police, the dispute between the informant and the petitioner was pacified and thereupon they came in the house and slept. But the informant, later on, found that in the morning, the petitioner, who happens to be her husband, fled away after taking her mobile and cash of Rs.30,000/- as well as Gold ornaments.

4. Learned Advocate for the petitioner submitted that



the entire allegation falls to the ground for the simple reason that the claim of the informant to be the wife of the petitioner is completely false and fabricated. This fact is evident from the Complaint Case No. 368 (C) of 2019, which has been instituted by the informant against Mukesh Kumar @ Mukesh Kumar Paswan, who is said to be her husband, under Section 498-A and other allied Sections of the Indian Penal Code. There is complete denial of the allegation and in fact on account of some extra marital affairs, the informant tried to put pressure upon the petitioner so that she any how settle her future with the petitioner. It is lastly contended that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the learned Sessions Judge after taking into account all the facts directed the petitioner to surrender before the jurisdictional court in the light of the decision rendered in the case of *Naushad Ansari Vs. The State of Bihar (Cr. Misc. No. 3536 of 2024)*, however, the petitioner, instead of surrendering before the jurisdictional court has approached this Court.

6. Having considered the submissions advanced by



the learned Advocate for the respective parties and taking note of the nature of allegation as well as the materials available on record, which suggests that the marriage of the informant was solemnized with one Mukesh Kumar @ Mukesh Kumar Paswan, against whom she also filed a Complaint case with an allegation of torture and demand of dowry, besides the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 221 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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