

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16944 of 2026

Arising Out of PS. Case No.-811 Year-2024 Thana- KADAMKUAN District- Patna

Arman @ Md. Arman son of Md. Aftab, Resident of Shiya Masjid Gali, Darzi Tola, East of Dariyapur Masjid, Police Station- Pirmahore, District- Patna, at present Qtubuddin Lane, Dariyapur, Near Rahim Hotel, Post Office- Bankipur, Police Station- Pirmahore, District- Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Rup Laxmi Kumari Daughter of Rajesh Kumar, Resident of Service Madhvi Niketan, F.T.M, 30, Infront of CPI Amla Office Langartoli Sampatchak, Patna, At Present Thakurbari Road, park Road, Nawal Kala Enclave, Flat no. 304, Kadamkuan, Ps- Kadamkuan, Dist- patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Singh, Advocate
For the State	:	Mr. Ajit Kumar, APP
For the O.P. No.2	:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-05-2026 Learned counsel for the petitioner and learned APP for the State are present. However, O.P. No.2/Informant has not appeared despite valid service of notice.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner seeks bail, apprehending his arrest, in connection with Kadamkuan P.S. Case No. 811 of 2024, dated 23.10.2024, registered for the offences punishable under Sections 85, 351 and 352 of BNS and Sections 4 of D.P. Act.

4. As per allegation, the O.P. No.2/Informant was



married with the petitioner as per Special Marriage Act, because the informant belongs to Hindu Community, whereas the petitioner belongs to Muslim Community. However, after the marriage, the petitioner started committing mental and physical cruelty against her for non-fulfillment of demand of dowry and he has even pronounced triple talak. After pronouncement of the triple talak, he went back to his parental home leaving behind the informant/O.P. No.2 and she requested the petitioner to take her to his parental home and in the meantime, she came to know that his parents had compelled him to divorce the informant and for the confirmation of such information, she went to the parental house to the petitioner where the parents and other family members of the petitioner were making false allegation about the character of the informant without any basis and she has further alleged that parents and other family members of the petitioner asked her to pay dowry, if she wants to be part of the family. But on account of inability of the informant to fulfill such illegal demand, the petitioner divorced her which she protested. Thereafter, the petitioner and his family members used physical force against her and hence, she filed the criminal case.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that on account of difference of religious beliefs of the petitioner and the informant-wife, the marriage is not working and hence, matrimonial dispute has arisen. He further submits that there is no specific allegation of any physical assault with reference to time, place and nature of the assault, except bald allegation of physical and mental cruelty. In the facts and circumstances of the case, it is a fit case for Family Court for adjudication of her matrimonial dispute.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

8. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. I considered the submissions advanced by both the parties.

10. From the allegation, it transpires that the marriage is not working on account of different religious beliefs of the petitioner and his wife/ O.P. No.2 and it appears that petitioner is not keeping his wife/Informant in his matrimonial home, nor



is he maintaining her. In such situation, the informant-wife has legal right to move Family Court for restitution of conjugal rights as well as maintenance, if so advised. But it is not a case where bail could be denied to the petitioner.

11. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Kadamkuan P.S. Case No. 811 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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