

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20824 of 2026

Arising Out of PS. Case No.-1245 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Krishna Mohan Kumar Son of Shambhu Sah R/o Vill. - Sugauli Gaon, Ward
No . 16, P.S. - Sugauli, Distt. - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi D/o Dhanesh Sah R/o Vill. - Mudla, P.S. - Ramgardwa, Dist. -
East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shamir Mehra, Advocate
For the State	:	Mr. Surendra Prasad Singh, APP
For the O.P. No. 2	:	None

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 1245 of 2024, filed for
the offences punishable under Section 498A of the Indian Penal
Code.

3. As per allegation, the complainant was married
with the elder brother of the petitioner, who died on 31.12.2019,
and subsequently, the complainant married the younger brother
of her husband, who is petitioner herein. It is further case of the



complainant that after the marriage, there was demand of dowry and on account of non-fulfillment of the same, she was subjected to cruelty.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, no marriage has taken place between the petitioner and the complainant. After the death of his brother, who was husband of the complainant, the complainant has falsely implicated the petitioner only to pressurize him to marry her which is not legally permissible also, because as per Hindu Marriage Act, the brother of the husband comes under prohibited relationship and marriage between the petitioner and the complainant is not permitted by Hindu Marriage Act. Hence, Section 498A IPC does not get applied to the alleged facts and circumstances for want of any legal status of the complainant as wife, nor is there any truth in the allegation.

5. 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.

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



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

8. Considering the submission that the petitioner comes under prohibited relationship as per Section 3(g) of Hindu Marriage Act and Section 5 of Hindu Marriage Act not allowing the Hindu Marriage within prohibited relationship, **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 Complaint Case No. 1245 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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