IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19880 of 2026

CNR No. BRHC010275132026

Arising Out of PS. Case No.-1594 Year-2016 Thana- BHOJPUR COMPLAINT CASE District- Bhojpur

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Shashi Kumar @ Sashi Kumar S/O Surendra Ram R/O Vill.- Dulaur, P.S- Jagdishpur, District – Bhojpur ... ... Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar S/O Late Ramgahan Ram R/O Vill.- Nirmalpur, P.O- Badka Dumra,P.S- Ara Muffasil, Dist- Bhojpur

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bibhakar Tiwary, Adv.
Mr. Dilip Kumar Tiwary, Adv.
For the State : Mr. M K Nirala, APP
For the O.P. No. 2 : Mr. Kamal Kishor Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 20-11-2026 Heard the learned Advocate for the petitioner, learned Advocate for the O.P. No. 2 and the learned Additional Public Prosecutor for the State.

2. The petitioner happens to be the husband of the daughter of O.P. No. 2 and apprehends his arrest in connection with Bhojpur Complaint Case No. 1594(C) of 2016, wherein cognizance has been taken for the offences punishable under Section 498-A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Considering the nature of the dispute, which arose on account of matrimonial discord between the husband and wife, the matter was referred to the Patna High Court Mediation

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and Conciliation Center. However, despite the best efforts made by the learned Mediator and the respective counsel for the parties, the dispute could not be resolved.

4. Learned Advocate for the petitioner submits that, in fact, the petitioner has all along been ready to keep his wife with full dignity and respect, but, for reasons best known to her, she does not want to lead a conjugal life. Besides, the wife has also filed Maintenance Case No. 156 of 2022, which is pending consideration before the learned Family Court. It is also informed that three children were born out of the said wedlock, out of whom two sons are residing with the wife of the petitioner, whereas the third son is residing with the petitioner. The petitioner is ready to abide by all the terms and conditions and undertakes that he will fully cooperate in the proceedings before the Court.

5. On the other hand, learned Advocates for the State and O.P. No. 2 oppose the prayer for pre-arrest bail and submit that, in the absence of any financial assistance from the petitioner, his wife is facing extreme hardship as she has to maintain the two children who are residing with her.

6. Considering the submissions advanced by the learned Advocate for the respective parties and taking note of

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the fact that the marriage was solemnized long back in the year 2014, and thereupon, on account of the reasons disclosed, the complaint case was filed wherein cognizance has been taken for the offence punishable under Section 498(A) of the Indian Penal Code and Section ¾ of the Dowry Prohibition Act on 13.08.2024; and now the wife has also filed a maintenance case, which is pending consideration, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bhojpur at Ara in connection with Bhojpur Complaint Case No. 1594(C) of 2016, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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