

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25620 of 2026

Arising Out of PS. Case No.-158 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Sunil Kumar Kushwaha Son of Shiv Sharan Kushwaha R/o Mohalla - Cantt Gaya, Quarter No. 94/B, P.S. - Magadh Medical District -Gaya. At present Address - Sunil Kumar Kushwaha, aged about 40 years(M), S/o Shiv Sharan Kushwaha, R/o Village/Mohalla - Romainpur Kalan, P.S. - Sareni, Dist. - Rabareli(U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alka Devi W/o Sunil Kumar Kushwaha R/o Mohalla - Cantt Gaya, Quarter No. 94/B, P.S. - Magadh Medical District -Gaya. At present Address - Sunil Kumar Kushwaha, aged about 40 years(M), S/o Shiv Sharan Kushwaha, R/o Village/Mohalla - Romainpur Kalan, P.S. - Sareni, Dist. - Rabareli(U.P.).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Adv.
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Magadh Medical P.S. Case No. 158 of 2023 lodged on
27.03.2023, for the offence punishable under Section 498(A) of
the Indian Penal Code.

3. In this case, notices were earlier issued but even
then, opposite party no. 2 has not appeared. As per the
prosecution, FIR has been lodged against the sole petitioner
with allegation that he used to torture her wife (informant)



physically and mentally. It is further alleged by the informant that the petitioner does not bear her expense and always used filthy language.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the informant/opposite party no. 2 is residing with the petitioner even then she has filed the criminal case. Counsel submits that as per the FIR, the allegation of in human behaviour assault and not providing money for expense has been alleged. Counsel submits that the petitioner is working in Indian Army and he is taking care of his two sons who are studying in school. He submits that for maintenance of the house, he used to provide every article, but even then, the informant (wife of the petitioner) has filed the present case against the petitioner. Counsel further submits that the petitioner has clean antecedent and in alternative, he is ready to pay Rs. 4,000/- (Rupees Four Thousand) per month in the bank account of his wife. He also assures to this Court that the petitioner shall not curtail any other amenities which he is providing to his wife at present and he shall not put any question to his wife that for what purpose, she is spending the money.

5. Learned APP for the State opposes the prayer for



bail of the petitioner but submits that as per the assurance given by the petitioner, provisional bail may be granted to him.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on ***provisional bail for five months***, in the event of arrest or surrender before the trial court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of C.J.M. F.C., Gaya, in connection with Magadh Medical P.S. Case No. 158 of 2023, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023 with further conditions that:-

(i) the provisional bail of the petitioner shall be confirmed by the learned trial court on production of valid proof showing opening of bank account in the name of informant (his wife) and the bank statement of four months showing that he is continuously depositing Rs. 4,000/- (Rupees Four Thousand) per month in her bank account, and

(ii) if the petitioner fails to make payment of Rs. 4,000/- (Rupees Four Thousand) in his wife's bank account for two consecutive months, then the wife of the petitioner (informant) shall be at liberty to file an application before the



trial court for cancellation of bail bond of the petitioner.

7. Accordingly, with the aforesaid direction, the present anticipatory bail application stands disposed off.

(Dr. Anshuman, J)

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