

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33283 of 2026

Arising Out of PS. Case No.-44 Year-2022 Thana- COMPLAINT CASE - MASAUH
District- Patna

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Banti Kumar son of Sunil Prasad Resident of village- Sabajpur, Ps-
Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari Wife of Banti kumar Resident of village- Lodipur Vasiyawah,
Po- Kanlyanchak, Ps- Pipra, Dist- patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate

For the Opposite Party/s : Mr. Aslam Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 14-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 323 and 498A of the
Indian Penal Code.

3. As per the prosecution case, the petitioner along
with other co-accused persons is said to have tortured and
assaulted the opposite party no.2 due to non-fulfillment of
dowry demand.

4. Learned counsel for the petitioners submits that
the present case arises out of a complaint case in which
cognizance was taken only under the provisions of Sections



498A and 323 of the IPC and the petitioner happens to be the husband of the complainant and false allegations of subjecting her to cruelty was levelled against him. It is further submitted that the marriage takes back to the year 2015 and two children were born out of the wedlock. It has also been pointed out that it was the complainant (wife), who had left the matrimonial household and the petitioner had once undertaken to make a payment of Rs.1,00,000/- as one time settlement between the parties for which he had been released from jail custody provisionally for a period of three months. However, since the petitioner is a labourer and is working as a Cleaner in road side Food Stall, he was unable to manage the money, as such, he was subsequently taken back into custody. The petitioner was not able to surrender earlier on account of his bad medical condition and had made an application under Section 205 of the Cr.P.C., which was rejected. The petitioner is now in custody since 22.02.2026.

5. Learned APP for the State opposed the grant of bail on the basis of allegations made in the First Information Report.

6. Taking into consideration the facts and circumstances and considering the fact that the case arises out of



a matrimonial dispute and the petitioner has remained in custody since 22.02.2026 and also undertakes to cooperate in the trial, let the above named petitioner, who has not criminal antecedent and charge-sheet having been submitted, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Masaurhi/concerned Court below in connection with Complaint Case No. 44(C) of 2022.

7. It is further noticed that the petitioner remained absconding for some time and caused delay in the progress of the case, in such view of the matter, the petitioner is directed to remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

anand/-

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