

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36740 of 2026

Arising Out of PS. Case No.-3141 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Manoj Shankar Gandhi S/o Nagendra Prasad Yadav R/O Village-Asiyachak,
Sultanganj, P.S-Sultanganj, District-Bhagalpur, Presently posted as DGM,
Bihta Airport Project, Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Hema Kumari D/o Late Balram Prasad Yadav R/o Sultanganj, P.S.-
Sultanganj, at present residing at West Patel Path, Ganga Path, P.S.- Shastri
Nagar, District- Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sujeet Kumr Sinha, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the complaint
petition, is apprehending his arrest in connection with
Complaint Case No. 3141(C) of 2015 registered for the offences
punishable under Sections 498A of the Indian Penal
Code/Section 85 of the Bhartiya Nyay Sanhita, 2023 (in short,
the 'B.N.S.').

3. The allegation against the petitioner through
complaint is to commit mental and physical cruelty upon
complainant (wife) alongwith other family members, when she
opposed the extra-marital affairs of the petitioner.



4. Learned counsel appearing on behalf of the petitioner submitted that the present complaint case was filed in the year 2015 after four years almost of filing of divorce petition by the complainant in the year 2011.

5. It is further submitted that the marriage between the parties stands dissolved by judgment dated 20th February, 2018 as passed in Matrimonial Case No. 423 of 2011 by the court of learned Principal Judge, Family Court, Patna. It is pointed out that in the said judgment, it is categorically mentioned in paragraph '11' that complainant is living separately with petitioner since 08.05.2008 and, therefore, lodging present complaint petition in the year 2015 is of no relevance and same was lodged only with harassing attitude. It is also pointed out that the complainant withdrawing regularly the maintenance amount of Rs. 5000/- from petitioner since 2011, which is still pending before the court.

6. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail, could not disputed the aforesaid factual submissions as advanced by learned counsel for the petitioner.

7. In view of the aforesaid factual submissions and by taking note of the fact as admittedly the complainant is living



separately with petitioner since 08.05.2008, after filing of divorce petition, therefore, lodging of complaint case in the year 2015 is *prima facie* creating a doubt qua version of complaint, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Patna/concerned court in connection with Complaint Case No. 3141(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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