

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35078 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- MAHILA P.S. District- Patna

Ashwani Kumar Singh Son of Lakshmeshwar Singh @ Lakshmeshwar Prasad Singh, Resident of village - Godhiyari, P.S.- Bishanpur, District – Darbhanga.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anuradha Kumari Wife of Ashwani Kumar Singh D/O Late Ramdev Singh, Village - Bhadwar, P.S.- Chandi, District - Bhojpur, Mobile No.- 93334736673.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Saurav Anand, Advocate
For the Opposite Party/s	:	Mr.Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Nagendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 13-01-2026 Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing for the informant.

2. The accused/petitioner apprehending his arrest in connection with Mahila P.S. Case No. 13 of 2025 registered for the offences punishable under Sections 115(2), 126(2), 85, 82(1), 3(5) of BNS, 2023.

3. As per FIR, the petitioner alleged to commit cruelty upon the informant alongwith other co-accused persons/family members due to non-fulfillment of demand of dowry as raised for cash of Rs. 10 lacs and also to assault informant on different occasions. On



last occasion, soon before lodging present FIR the informant was also badly assaulted by petitioner and family members.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the informant due to his work compulsions, left petitioner at Darbhanga and she came to Patna with her daughter. It is pointed out that when the mutual divorce was not filed in terms of Annexure-2, which is a joint agreement between the parties dated 17.02.2023, the petitioner filed divorce petition under Section 13(1) of the Hindu Marriage Act and, subsequently, thereafter the present criminal case was lodged against petitioner at Patna. It is pointed out that on affidavit the informant endorsed that she left her husband i.e. petitioner out of her own sweet will as she is not desirous to continue her married life with this petitioner.

5. Arguing further, it is submitted that reason for all such occurrence is as informant was living in adultery with a person, the details of which is mentioned in para-3 of the supplementary affidavit dated 10.11.2025.

6. Arguing further, it is submitted that during



course of investigation, the investigating officer categorically observed through different paragraphs of case diary, where during investigation it transpires that no injury report in terms of allegation was made available by the informant in support of physical assault and also no documents in support of marriage of petitioner was produced before the investigating officer rather she stated that she came to know about the second marriage of petitioner, without disclosing the source even. It is pointed out that such type of allegation without having any basis in itself amounting to cruelty as committed by complainant on petitioner.

7. Learned APP opposed the prayer of bail.

8. Mr. Nagendra Kumar, learned counsel appearing for the informant, while opposing the prayer of bail submitted that the allegation of adultery is completely baseless and that was raised due to oblique motive. It is submitted that petitioner being husband obtained signature of informant on plane paper and, thereafter, it was misused but fairly conceded that for said misuse no any complaint was made before concerned police authority. It is submitted that the petitioner is not paying any maintenance amount to the informant.



9. In view of aforesaid factual submissions and by taking note of fact as the allegation of assault and second marriage *prima facie* not appears convincing during investigation, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XVI, Patna/concerned Court, where the case is pending in connection with Mahila P.S. Case No. 13 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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