

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42169 of 2026

Arising Out of PS. Case No.-571 Year-2025 Thana- MIRGANJ District- Gopalganj

Pintu Varnwal Son of Late Vashisht Varnwal Resident of Village - Gauroop Samail, Police Station - Mirganj, District - Gopalganj at present village - Gopalganj, P.S.- Gopalganj (Town), District - Gaopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] ent of Village
- Agya, Police Station - Goreakothi, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Irshad Ahmad Khan, Advocate
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Vyas Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

230-06-2026

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 126(2), 115(2), 85, 82, 64, 67, 352, 351(2) and 3(5) of BNS and Sections 3/4 of Dowry Prohibition Act.

3. The case of the prosecution is that the informant was married to the petitioner. It is further alleged that the petitioner has established forceful physical relationship with her and has demanded dowry and that he also solemnized marriage with two other ladies. It is also alleged that the informant was ousted from her matrimonial house after being assaulted.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that the allegation against the petitioner is two folds: first is that cruelty on account of non-fulfillment of dowry demand and second is bigamy. Learned counsel has submitted that allegation of forceful sexual assault is though there but is not attracted against him as he is the husband of the informant and the marital rape is not there in BNS. He has also submitted that however, he is ready to settle the matrimonial dispute with the informant. Moreover, the petitioner is languishing in judicial custody since 25.12.2025 having no criminal antecedent.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail and have submitted that the petitioner has solemnized three marriages.

6. Admittedly, it is a case of matrimonial dispute and in view of the Judgment of the Hon'ble Apex Court in the case of **Arnesh Kumar v. The State of Bihar** and **Satender Kumar Antil v. Central Bureau of Investigation**, the Hon'ble Apex Court has held in the case of **Arnesh Kumar v. The State of Bihar** which is being given hereunder:-

“Section 498-A of the IPC was introduced with avowed



object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision.”

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mirganj P.S. Case No. 571 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Gopalganj **with the condition that the parties shall make every endeavour to settle their dispute amicably before the Mediation Center of Gopalganj.**

(Ashok Kumar Pandey, J)

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