

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45123 of 2025

Arising Out of PS. Case No.-830 Year-2024 Thana- DIGHA District- Patna

Subodh @ Subodh Kumar @ Chhotu Kumar, Male, aged about 43 years, son of Suresh Yadav, Resident of Village/Mohalla- Kurji Balupar, Ganga Nagar, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Devi W/O Subodh @ Subodh Kumar @ Chhotu Kumar D/O Rameshwar Rai, presently resident of Village- Anandpur, P.S- Maner/Bihta, Distt.- Patna, permanently at Village/Mohalla- Kurji Balupar, Ganga Nagar, P.S- Digha, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate
For the State : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 21-01-2026 Heard Mr. Avinash Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Gauri Shankar Gupta, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Digha P.S. Case No. 830 of 2024 registered for the offence punishable under Sections 115(2), 126, 351(2), 352, 109, 74 and 3(5) of the BNS.

3. As per the allegation made in the FIR, petitioner, who is the husband of the informant, along with his family members, had stuffed cloth in her mount and thrown her from the rooftop, due to which, she had sustained several injuries and



became unconscious and when she regained consciousness, she came to know that she was admitted in Asian Hospital.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner no such incidence, as alleged in the FIR, had taken place. The informant herself jumped from the rooftop of the third floor and the petitioner was the one, who had taken the informant to the hospital along with her father, who is a police officer in Bihar Police. He further submitted that even the discharge summery don't support the allegation that the informant was thrown from the third floor of the house, which will not only lead to severe hemorrhage, at the same time, inevitable death. The C.T. Scan, which was conducted at Department of Ortho and Joint Replacement, Asian Hospital where she was admitted, also don't support the injuries, which the informant had suffered, though, she was treated there for seven days and petitioner had incurred the expenses of treatment of the informant. The informant was discharged on 14.09.2024 and FIR was lodged on 12.11.2024. The delay in filing of the FIR itself shows that in a planned manner, the petitioner and his family members have been implicated in a false case. Learned counsel further submitted that as per instruction, he has made a specific statement in paragraph no. 10



of the bail application that father of the informant is a senior police officer in Bihar Police and the petitioner with a view to secure safety of his family members, insisted upon a written apology from the informant as a pre condition for taking her back that the present false FIR has been lodged against the petitioner and his family members including married sisters of the petitioner. He further submitted that petitioner is preparing for several competitive examination and once he is taken into custody, his career will be spoiled. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. I have perused the allegation made in the FIR, as well as, the pleadings made in the bail application and from the statement made in paragraph no. 10 of the bail application, it appears that petitioner was not having good relationship with the informant, which forced him to put pre condition for taking the informant back to her matrimonial house, though, the same can be proved in course of trial. From the perusal of the information contained in the impugned order, it appears that as per the opinion of the doctor, the injuries sustained by the informant were found to be dangerous in nature, which finds



support from the discharge summery also, which the petitioner has brought on record by way of 'Annexure-P/2 series'.

7. Considering the nature of allegation, as well as, the materials on record, I am not inclined to enlarge the petitioner on pre-arrest bail.

8. Accordingly, the present bail application stands dismissed.

(Purnendu Singh, J)

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