

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48629 of 2024

Arising Out of PS. Case No.-2120 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Prakash Chandra, S/O Ram Naresh Sahni, R/O Village- Khaira, P.S- Pusa,
Distt.- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Sadhna Kumari W/O Prakash Chandra, D/O Ramdev Sahni R/O Village-
Rampur Bishun, P.S- Warisnagar, Distt.- Samastipur.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Advocate Ms.Rani Shashi Bharti, Advocate
For the Opposite Party/s	:	Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 02-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the complaint, is apprehending his arrest in connection with T.R. No. 2754 of 2024 arising out of C.R. No. 2120 of 2023 registered for the offences punishable under Sections 498A of the Indian Penal Code.

3. The allegation against the petitioner is to commit mental and physical cruelty upon the complainant/O.P. No.2 and finally on 17.10.2023, after retaining all belongings of complainant, she was forcefully ousted from her matrimonial



home alongwith her newly born male child.

4. Learned counsel appearing on behalf of the petitioner submitted that allegation as raised through complaint petition *qua* mental and physical cruelty is appearing very much general and omnibus in nature against the petitioner. It is submitted that for the occurrence dated 17.10.2023, as a matter of an afterthought, the present complaint was lodged on 30.10.2023 with a delay of 13 days without having any just explanation and, furthermore, the complaint in issue is not supported by affidavit, which is contrary to the settled position of law as available through **Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]**. Petitioner claimed clean antecedent.

5. Learned A.P.P. for the State duly assisted by Mr. Ajay Kumar, learned counsel appearing for the complainant, while opposing the prayer for anticipatory bail of the petitioner, submitted that petitioner is a short tempered person and he is in extra-marital affairs, but learned counsel fairly conceded that allegation of extra-marital affairs of the petitioner is not available through present complaint petition.



6. In view of aforesaid factual submission and by taking note of the fact as allegation *qua* committing mental and physical cruelty appears very much general and omnibus against petitioner, where complaint also not supported by affidavit which appears to be lodged after 13 days of the alleged occurrence, 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 Sub-Divisional Judicial Magistrate, Samastipur /concerned court in connection with T.R. No. 2754 of 2024 arising out of C.R. No. 2120 of 2023, 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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