

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49136 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- MAHILA P.S. District- Madhubani

Subhash Kumar son of Mohit Paswan village- Ukhada P.S- Bishanpur
District-Darbhangha

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ganga Kumari Wife of Subhash Kumar village- Ukhada P.S- Bishanpur
District-Darbhangha At P/A- Resident in her father house namely pramod
Paswan Village- Bhauara Mahaseth Pokhar Ward No 43 Ps and Dist-
Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Lakshmi Kant Sharma, APP
For the Informant	:	Mr. Shivam Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-01-2026 Heard the learned Advocate for the petitioner, learned

Advocate for the informant and the learned Additional Public

Prosecutor for the State.

2. The petitioner happens to be husband of the O.P.

No. 2 apprehends his arrest in connection with Madhubani
Mahila P.S. Case No. 39 of 2024, registered for the offences
punishable under Sections 126(2), 115(2), 85, 82(1), 303(2) and
3(5) of the B.N.S and Sections 3 and 4 of the Dowry Prohibition
Act.

3. Considering the nature of the dispute, as has arisen
on account of a matrimonial discord, the matter was referred to



the Patna High Court Mediation and Reconciliation Centre. However, the dispute could not be resolved and this matter has been listed before this Court again.

4. Learned Advocate for the petitioner submitted that prior to the institution of the present FIR, the petitioner had filed a Matrimonial Case No. 171 of 2023, under Section 9 of the Hindu Marriage Act for restitution of conjugal right and, as such, his bona fide was writ large, that he wanted to continue with the marriage but on the instigation made by some unscrupulous family members, the FIR has been instituted. It has also been apprised to this Court that one maintenance case has also been filed by the O.P. No. 2, and in pursuant to the direction of the Family Court, the petitioner has been paying interim maintenance to the tune of Rs. 3,000/- per month.

5. On the other hand, learned Advocate for the State and the informant while opposing the prayer for bail has submitted that the petitioner has already solemnized another marriage and this is the reason that O.P. No. 2 refused to reside with the petitioner. This fact cannot be denied that the couple blessed with two children and both the children are living with the O.P. No. 2, but because of any financial assistance, she is facing extreme hardship in nurturing her children.



6. At this juncture, learned Advocate for the petitioner shown his bona fide and on request of this Court submits that he will also ensure payment of Rs. 2,000/-, besides interim maintenance, in the name of the children.

7. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the materials discussed hereinabove, this Court is acceded to the prayer for anticipatory bail of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Madhubani in connection with Madhubani Mahila P.S. Case No. 39 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

8. It is made clear that the petitioner shall ensure payment of Rs. 3,000/- + Rs. 2,000/- in the bank account of the O.P. No. 2 in the last week of every month, till any final order is passed by the Family Court in the maintenance case.



9. It is expected that the petitioner shall stand on the undertaking given before this Court, failing which appropriate order shall be passed.

(Harish Kumar, J)

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