

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49377 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- MAHILA PS District- Darbhanga

Vimlesh Kumar Pathak @ Bimlesh Kumar Pathak S/O Uday Krishna Pathak
Resident of Village- Choraut North, P.S- Choraut, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pooja Kumari D/O Kamla Nand Jha R/O Mohalla- Bela Chauk, Main Road,
P.O- Lalbagh, P.S- Lalit Narayan University, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar Pathak, Adv.
For the Opposite Party/s	:	Mr. Ashok Jha, Adv. Mr. Saurav Anand, Adv.
For the State	:	Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2026 Heard Mr. Sanjiv Kumar Pathak, learned Counsel for

the petitioner, Mr. Saurav Anand for the informant and Mrs.

Indihar Kumari, learned APP for the State.

2. The petitioner apprehends his arrest in connection

with Darbhanga Mahila P.S. Case No. 07 of 2025 for the offence

registered under sections 85, 126(2), 115(2), 351(2), 352 and

3(5) of the BNS and Section 3 and 4 of the Dowry Prohibition

Act.

3. As per the prosecution story, the informant alleged

that the marriage was solemnized in the year 2018 but the

torture started and finally, she was thrown out of the house.

4. Learned Counsel for the petitioner submits that a



Divorce Suit vide HMA No. 970 of 2024 has been preferred before the learned Principal Judge, Family Court, Ambala which now stands transferred to Darbhanga vide case no. 328 of 2025. Only after the notice was received, the present case.

5. The Co-ordinate Bench sent the matter to the Mediation Center but the report dated 24.11.2025 shows that it failed.

6. Learned counsel for the opposite party submits that the child out of the wedlock is losing his eyesight and if proper treatment is not made, he will turn blind.

7. Learned counsel for the petitioner submits that he being serving with the Indian Air Force at Ambala, is ready to get the proper treatment of the child through that hospital once the lady along with the child arrives at Ambala.

8. This Court expects the petitioner to pay 5,000/- as convenience charge to the lady as also the child for visiting Ambala.

9. Learned counsel for the opposite party no. 2 submits that she will be visiting Ambala within a fortnight and it is expected that the petitioner will be taking full care of his child and ensure that he continues to see the light of the day.

10. Due to the positive development that has taken



place, recorded above, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Darbhanga in connection with Darbhanga Mahila P.S. Case No. 07 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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