IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62224 of 2026

CNR No. BRHC010833092026

Arising Out of PS. Case No.-514 Year-2024 Thana- COMPLAINT CASE - JHANJHARPUR District- Madhubani

==========

1. Lalita Devi @ Lalita Kumari W/o Sunil Kumar R/O- Village-Kataharbari, P.S.- LNMU, Distt- Darbhanga. Currently Residing at, D/O- Kari Yadav, vill-Atari, P.S.- Laukahi, Distt- Madhubani.
2. Kari Yadav S/o Late Khushilal Yadav R/O- Village- Atari, P.S.- Laukahi, Distt- Madhubani.
3. Rabindra Yadav @ Rabindra Kumar S/o Kari Yadav R/O- Village- Atari, P.S.- Laukahi, Distt- Madhubani.
4. Ghuran Yadav S/o Kari Yadav R/O- Village- Atari, P.S.- Laukahi, Distt- Madhubani.
5. Chandra Naryan Yadav S/o Dukhi Yadav R/O- Village- Piprahi, PS.- Laukahi, Distt- Madhubani.
6. Ugranarayan Yadav S/o Munni Lal Yadav 6. R/O- Village-Tulsiyahi, P.S. - Laukahi, Distt- Madhubani.
7. Dukharan Yadav S/o Gangai Yadav R/O village- Singhrahi,P.S.- Laukahi, Distt-Madhubani.
8. Satnarayan Yadav S/o Late Laxhmi Yadav R/O-Village-Kariaut, P.S.- Laukahi,Dist- Madhubani,
9. Raj Narayan Yadav S/o Dhanbir Yadav R/O- Village- Tharhi, P.S.- Laukahi, Distt-Madhubani.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar S/o Umesh Chandra Yadav R/o vill - Katharbari, P.S.- L.N.M.U., Distt.- Darbhanga

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Ms. Kumari Pallavi
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.
Mr. Aishwarya Shankar
Mr. Kamlesh Kumar Singh

==========

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 05-11-2026 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing

WEB COPY

on behalf of the complainant.

2. The petitioners seek bail in anticipation of their arrest in C.R. Case No.514 of 2024 registered for the offences punishable under Sections 323, 341, 379, 384, 385, 504 and 506/34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioner nos.1, 2, 3, 5 and 8 are persons with clean antecedent and petitioner nos.4 and 7 have antecedent of two cases while petitioner nos.6 and 9 have antecedent of three cases.

4. The learned A.P.P. Sri Chandra Bhushan Prasad, at the outset, submits that petitioners are seeking anticipatory bail in Complaint Case No.514 of 2024, in which cognizance has been taken under Sections 323, 341, 379, 384, 385, 504, 506 and 34 of the I.P.C.. It is next submitted that after cognizance is taken, summons are issued and if petitioners based on summons appear before the learned Trial Court, the petitioners will not be arrested rather will join the proceeding before the learned Trial Court and for the said submission relies on an order of the **Hon'ble Supreme Court in S.L.A. (Criminal) No. 16221**

WEB COPY

of 2025 (Om Prakash Chhawnika @ Om Prakash Chabnika @ Om Prakash Chawnika vs. the State of Jharkhand and another) disposed of by an order dated 23.04.2026 and relies on Paragraphs-8, 9 and 10 of the said order.

5. At this stage, the learned counsel appearing on behalf of the petitioners submits that petitioners never received summons and thereafter bailable warrant of arrest came to be issued, on which learned A.P.P. submits that merely because bailable warrant of arrest has been issued that does not lead to an apprehension that petitioners would be arrested.

6. At this stage, the learned counsel appearing on behalf of the complainant submits that complainant is the husband and the relationship in between complainant and petitioner no.1 (wife of complainant) deteriorated to an extent where it was not possible to revive the conjugal relationship, as such, a panchayati was held in which the complainant gave an amount of Rs.10,51,000/- to the petitioner no.1, who accepted the same, but then the Panchayat advised complainant and petitioner no.1 to seek

WEB COPY

divorce, as such, complainant filed Matrimonial (Divorce) Case No.181 of 2021 in the Court of the learned Principal Judge, Family Court, Darbhanga. It is next submitted that thereafter the petitioner no.1 instituted an FIR against the complainant and his family members under Section 498A of the I.P.C. read with other sections, as such, the complainant instituted the instant complaint against the petitioners.

7. The learned counsel appearing on behalf of the petitioners disputes the said submission of the learned counsel appearing on behalf of the complainant that in the Panchayati petitioner no.1 accepted an amount of Rs.10,51,000/- from the complainant, but then is not in a position to rebut the submission of the learned A.P.P that merely because bailable warrant of arrest has been issued that raises an apprehension of arrest.

8. The learned counsel for the petitioners next submits that in the State of Bihar the learned Magistrates in mechanical manner on appearance remand the accused to judicial custody without appreciating the facts of the case and law and its correct perspective. It is further submitted that this Court in some cases disposed off the anticipatory

WEB COPY

bail application with liberty to the petitioners to appear before the learned Trial Court on the ground that non-bailable of arrest has not been issued and the leaned Trial Court was directed to act strictly in accordance with the order of the Hon'ble Supreme Court but the learned Magistrate in some of the cases in mechanical manner remanded the accused persons to judicial custody, on which learned A.P.P. Sri Chandra Bhushan Prasad submits that if what is being submitted by the learned counsel appearing on behalf of the petitioners is a correct fact, in that event, consequences would follow, if the learned Magistrate is not adhering to the directions of the Hon'ble Supreme Court and this Court.

9. At this stage, the learned counsel appearing on behalf of the petitioners reiterates and submits that till date non-bailable warrant of arrest has not been issued against the petitioners.

10. After hearing the learned counsel for the parties, the Court was inclined to extend the privilege of anticipatory bail to the petitioners but since it has been submitted by the learned counsel appearing on behalf of the

WEB COPY

petitioners that till date non-bailable warrant of arrest against the petitioners has not been issued in the complaint case, hence the anticipatory bail application is disposed off with liberty to the petitioners to appear before the learned Trial Court on or before 03.12.2026 with a copy of the order dated 23.04.2026 in S.L.A. (Criminal) No. 16221 of 2025 (Om Prakash Chhawnika @ Om Prakash Chabnika @ Om Prakash Chawnika vs. the State of Jharkhand and another) and the Trial Court is directed to proceed strictly in accordance with the order of the Hon'ble Supreme Court.

(Satyavrat Verma, J)

vikash/-

U		T	

WEB COPY