

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61445 of 2025**

Arising Out of PS. Case No.-740 Year-2017 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Salesh Kumar @ Sailesh Kumar S/o Mathura Prasad @ Mathura Yadav @
Jhaman Yadav R/o vill - Sikariya Koshiyama, P.s.- Pali, Distt.- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi @ Savitri Devi W/o Salesh Kumar @ Shailesh Kumar, D/o Ram
Ishwar Yadav R/o vill - Pir Ali Chak, P.S.- Kako, Distt.- Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv
For the Opposite Party/s : Ms.Sucheta Yadav, APP
Mr. Sanjay Kumar Sinha, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 07-04-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the OP No. 2.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 740 of 2017 registered for the
offences punishable under Sections 498A, 494 and 34 of IPC.

3. Learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
instant case by the complainant. It is next submitted that from
perusal of the allegations as alleged in the complaint, it would
manifest that allegations are general and omnibus in nature. It is
further submitted that petitioner was married to the OP No. 2 in



the year 2004 and out of wedlock, a child was born and in the year 2017 the instant complaint case came to be instituted, i.e., after 13 years of marriage, but then in these 13 years, no case ever came to be instituted alleging that petitioner is demanding dowry and on account of non-fulfillment of the same, is torturing the complainant.

4. Learned counsel appearing on behalf of the complainant submits no doubt the complaint case came to be instituted after 13 years of marriage, but then after marriage, a child was born, as such complainant had no means to object the cruelty being meted out to her. It is next submitted that the instant complaint case has been filed since the complainant was ousted from her matrimonial home along with the child and petitioner has performed his second marriage and is enjoying his life with the second wife but then is not giving any money to support the complainant and the child. It is also submitted that complainant had moved before the learned Principal Judge, Family Court, Jehanabad by filing Maintenance Case No. 1 of 2018 and the learned Principal Judge, Family Court, Jehanabad directed the petitioner to pay a monthly maintenance of Rs. 10,000/- to the OP No. 2 and Rs. 5,000/- to the child but then the petitioner for reasons best known did not pay a single penny



rather challenged the said order passed by the learned Principal Judge, Family Court, Jehanabad, by filing criminal revision before this Court which is pending adjudication. Learned counsel appearing on behalf of the OP No. 2 thus submits that the petitioner on the one hand is not willing to maintain the complainant and the child and on the other hand has performed his second marriage and is supporting his second wife and is enjoying life, as such one can well imagine the plight of the complainant how she is surviving in absence of any financial support from the petitioner and she has a child to rear also.

5. Learned counsel appearing on behalf of the petitioner is not in a position to rebut the submission of the learned counsel appearing on behalf of the OP No. 2 that the petitioner has performed his second marriage.

6. At this stage, the learned counsel appearing on behalf of the OP No. 2 submits that even the second marriage is void as the same has been performed without divorcing the OP No. 2 which in itself is a cause of great mental trauma.

7. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the



petitioner is rejected.

(Satyavrat Verma, J)

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