

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66945 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- NADI P.S. District- Patna

Kundan Kumar S/O Sidhnath Malakar Resident of Village- Sabalpur, P.S.-
Nadi, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari D/O Birwal Kumar R/O Vill.- Lalbag, P.S.- Kadirganj, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the State : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 11-02-2026

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Nadi P.S. Case No. 239 of 2024 registered for the offence under Sections 85 and 3(5) of the B.N.S., lodged on 29.07.2024 by the informant, Sunita Kumari.

3. As per the prosecution story, the informant alleged that she was married to the petitioner but was tortured for dowry as the petitioner has affair with other lady. This led to the F.I.R..

4. Learned counsel for the petitioner submits that though he wanted to continue to the relationship, with consent they have chosen to separate their ways, came to an agreement on 21.02.2024 itself by which the payments have been made



both through cheque as also cash. The said agreement is part of the petition as Annexure-P/2 in which the informant has also put in her signature.

5. Earlier, the coordinate Bench had issued notice to the informant but the record shows that she do not presently live on the said place.

6. The allegation is there, the agreement signed by both the parties is also part of the record and has been put on affidavit, the petitioner do not have criminal antecedent, F.I.R. is there, he shall be facing the music, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. However, if any times it come to the notice and/or the informant brings it notice to the concerned court that no such agreement was signed between the parties, she will have the liberty to take appropriate steps for cancellation of the bail bond.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Patna City, in connection with Nadi P.S. Case No. 239 of



2024 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her 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/her 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 bail bonds.

(Rajiv Roy, J)

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