

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71163 of 2025

Arising Out of PS. Case No.-560 Year-2024 Thana- BETTIAH CITY District- West
Champaran

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Viraat Batra son of Vikram Batra R/o - 3/429, Hari Om Nagar, Marris Road,
P.S - Aligarh Town, District - Aligarh, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tanya Arora Wife of Viraat Batra Resident of Village- Teen Lalten Chowk,
near Gurudvara, Arora House, P.S.- Bettiah town, Dist- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kant Mani Tripathi, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the O.P. No.2	:	Mr. Mayank Mohan, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 01-04-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Bettiah Town P.S. Case No. 560 of 2024,
dated 29.12.2024, registered for the offences punishable under
Section 85 of B.N.S., 2023 and Section 3/4 of D.P. Act.

3. As per allegation, the marriage between the
petitioner and the informant/Tanya Arora was solemnized on
02.12.2022 as per Hindu Rites and Customs and thereafter, she
joined the matrimonial home of the petitioner. But soon
thereafter, additional demand of dowry started and on account of



non-fulfillment of the same, the informant-wife was subjected to physical and mental torturing by the petitioner and his family members. It is also alleged that the petitioner-husband has illicit relationship with one lady and on protest by the informant-wife, torturing became further intense and ultimately, she was compelled to leave the matrimonial home and presently, she is living at her *maike* since 29.07.2024.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, there is lack of trust by the informant-wife in the petitioner-husband and she has suspicion that the petitioner is having illicit relationship, whereas there is no such fact. He further submits that on account of suspicion, the matrimonial life of the petitioner-husband and the informant-wife is running into rough weather and the petitioner has filed one divorce petition and the informant-wife has filed even one maintenance case against him which are pending consideration. He also submits that the maximum punishment for the alleged offence is three years and hence, there is no reason to deprive the petitioner of his liberty, particularly in view of ***Arnesh Kumar Vs. State of Bihar & Anr.*** as reported in ***(2014) 8 SCC 273.***



5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the Petitioner for bail submitting that the informant-wife is still ready to live with the petitioner, but the petitioner-husband is not interested to keep her in his matrimonial home. The informant-wife has also filed one maintenance case against the petitioner. They also submit that the informant-wife is a degree holder of Fashion Designing, but her passport, degree certificates and jewelry are kept by the petitioner-husband and his family members which they are not giving.

8. I considered the submissions advanced by both the parties and perused the materials on record.

9. From the rival submissions of the parties, it appears that there is matrimonial dispute between the parties on account of suspicion and other factors and for their matrimonial dispute, the parties have already approached Family Court by way of divorce petition by the petitioner-husband and maintenance case



by the informant-wife the informant-wife. The informant-wife has again right to move learned Family Court by way of filing matrimonial suit for restitution of conjugal rights if she wants enforcement of restitution of conjugal rights against the petitioner-husband. She has also liberty to file appropriate application before the learned Family Court for getting back the ornaments and other documents, if any.

10. Considering the fact that the maximum punishment for the alleged offence is three years and there being dispute between the parties in substance, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Bettiah Town P.S. Case No. 560 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after



hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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