IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77478 of 2026

CNR No. BRHC011124632026

Arising Out of PS. Case No.-305 Year-2024 Thana- COMPLAINT CASE District-Kishanganj

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Sarup Sarkar Son of Debatosh Sarkar Resident Of Village- Taaltola, Uttar Kamakhyagudi, Ps- Kumar Gram, Dist- Alipurduar West Bengal

... ... Petitioner/s

Versus

1. The State of Bihar
2. Ishanee Das Daughter of Shree Tarun Kumar Das Resident Of Village- Milanpalli Ward no. 2, Ps and Dist- Kishanganj

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the State : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-11-2026 Heard Learned Counsel for the petitioner and Learned APP for the State.

2. The petitioner is apprehending arrest in connection with Complaint Case No. 305 of 2024 lodged on 15/05/2024, for the offences punishable under Section 498 (A) of the Indian Penal Code.

3. As per the prosecution, complaint case has been lodged by the O.P. No.2 with allegation that when she went to the house of the husband and asked to return ornaments then they demanded Rs. 5,00,000/- for returning the ornaments and also told her that her husband will not live with her, in which

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congnizance has been taken.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the petitioner is the brother-in-law of the complainant and residing at West Bengal and has nothing to do with the family of the complainant. Counsel further submits that name of the petitioner has falsely been implicated in this case due to personal grudge. Counsel also submits that criminal antecedent of the petitioner is clean. Counsel further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner, but fairly submits that in the rejection order it has come that process of under Section 82 of Cr.P.C has been issued and therefore, the anticipatory bail is not maintainable.

6. Upon perusal of the record particularly the Complaint Case, it transpires to this Court that the District has been written but the State has not been written and admittedly, it has not been shown in the Complaint Case that accused is residing at West Bengal and it also transpires to this Court that from the rejection order that the Sessions Judge at the time of

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consideration of the anticipatory bail has indicated the address of the petitioner at West Bengal but not verified that whether the process of under Section 82 of Cr.P.C or any other process like summons, bailable warrant, non-bailable warrant has whether served upon the accused or not.

7. From the perusal of argument made, there is a categorical stand of the counsel for the petitioner that any process of the Complaint Case has not been served and it is due to this reason process of under Section 82 of Cr.P.C. has been issued.

8. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023, in connection with Complaint Case No. 305 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS**,** 2023.

(Dr. Anshuman, J)

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