

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91266 of 2025

Arising Out of PS. Case No.-880 Year-2023 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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Abhishek Kumar Pathak @ Abhishek Kumar Son of Chandra Kumar Pathak
R/o Village - Sadikpur, Sighua Toli, P.S.- Alamganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saumya Shrivastava Daughter of Sanjeet Kumar Shrivastava R/o Village - Humam Mohaila New Sadak, P.S.- Chowk, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv.
	:	Mr. Mudit Meet, Adv.
	:	Mr. Purushottam Kumar, Adv.
For the Opposite Party/s :	:	Mr. Kalyan Shankar, App.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 02-04-2026 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Complaint Case No. 880 of 2023, disclosing
offences under Sections 323, 504, 307, 420, 506, 354, 498A and
34 of the Indian Penal Code and Section 3 / 4 of the Dowry
Prohibition Act.

3. As per the complaint, the marriage of the
complainant was solemnized with the petitioner on 11.08.2024.
After the marriage, the parents of the complainant had given
gifts, motorcycle, gold, etc., to the accused persons. It has



further been alleged that the complainant was kept well for a few days, and thereafter, she was assaulted physically and mentally. Lastly, on 11.07.2023, the complainant was assaulted by the petitioner and he demanded Rs. 5 lacs to keep the complainant and the children gracefully and on 12.07.2023, petitioner assaulted the complainant and ousted her from her matrimonial home.

4. Mr. Ajay Kumar Thakur, learned counsel for the petitioner, argued that petitioner has not committed any offence in the manner alleged and he has been made accused on the basis of false and concocted allegation made in the complaint after about 10 years of marriage. Out of the wedlock between the petitioner and the complainant, three children were born. The children are residing with the complainant. The complainant passed the examination of A.N.M. in the year 2023 and thereafter, the discord surfaced between husband and the wife. The petitioner has filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and the case is still pending. In the present case, the notice was issued to the complainant, who is O.P. No. 2, but despite service of notice, O.P. No. 2 has chosen not to appear.



5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that after 10 years of marriage, the complaint has been filed on the basis of general and omnibus allegation, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna City, in connection with Complaint Case No. 880 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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