

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.559 of 2026

Arising Out of PS. Case No.-2593 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Rakesh Kumar Sah, S/o Late Ramnath Sah, R/o vill - Chakbara Bakhari, P.S.-
Pipra, Distt.- East Champaran, Motihari, at present address Fatashi, MB
Road, Guhati-9, P.S- Bharlumukh, Kamrup Asam

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sumitra Devi, W/o Rakesh Kumar Sah, D/o Rajesh Sah, R/o vill - Amaw,
P.s.- Banjariya, Distt.- East- Champaran, Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate.
For the State : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 2593 of 2023 dated
15.09.2023 filed for the offences punishable under Sections 406,
324, 504, 498A and 323/379 of the Indian Penal Code.

3. As per allegation, marriage between the petitioner
and the Complainant/wife was solemnized in the year 2015 and
she was treated well for five years but in the year 2020, the
petitioner/husband has developed illicit relationship with
another lady living in the same building and on protest by her,
she was subjected to cruelty. However, she is ready to live with
her husband/petitioner if she would be treated well.



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 some misunderstanding on account of suspicion and, hence, the matrimonial life is running into rough weather. However, the petitioner is willing to keep his wife along with his three children who are living with his wife at her *Maike*.

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 vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **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 Complaint



Case No. 2593 of 2023 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 antecedent, 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.

9. However, the parties are directed to take social initiative to get the matter settled and in case, the matter is not settled, the Complainant/wife has liberty to file matrimonial petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights as well as maintenance and custody of child.

(Jitendra Kumar, J)

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