

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91259 of 2025

Arising Out of PS. Case No.-249 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Amit Kumar Rai @ Amit Kumar Ray @ Amit Kumar Son of late Amarkant Roy Resident of village- Baghwa, ward no. 7, P.S.- Simri Bakhtiyarpur, Dist.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari W/o Amit Kumar Rai @ Amit Kumar Roy @ Amit Kumar Resident of Village- Baghwa, Ward No.-6, Post- Gopalpur, P.S.- Simri Bakhtiyarpur, District- Saharsa. At present- D/o Ganga Thakur, resident of Vishwanath Nagar, Ward No.-23, Road No.-5, P.S.- Nagar Thana, Dist.- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Goutam, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the O.P. No. 2	:	Mr. Sujeet Kumar Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

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| 3 | 23-02-2026 | 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No. 2, |
| | | 2. The petitioner apprehends his arrest in a case |



registered for the offences punishable under Section 498A of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the dispute is matrimonial. It is next submitted that petitioner married the O.P. No. 2 and out of the wedlock a male child was born who presently is with the petitioner, but then petitioner came to know that O.P. No. 2 was married from before with one Sumit and out of the wedlock, a daughter was born who presently is aged about seven years and when petitioner confronted the O.P. No. 2 on the issue, the instant false case came to be instituted. It is further submitted that it is not in dispute that O.P. No. 2 is married to Sumit and out of the wedlock, a girl child was born who presently is with the O.P. No. 2. It is also submitted that O.P. No. 2 has not divorced her earlier husband Sumit and concealing the fact that she was married from before, performed her marriage with the petitioner. It is next submitted that since O.P. No. 2 is married from before, as such, her marriage with the petitioner concealing the said fact does not give rise to legitimate marriage, it is submitted that the marriage is void. It is also submitted that O.P. No. 2 leaving the male child with the petitioner had left the house and the



petitioner is taking care of the child.

4. The learned counsel appearing on behalf of the O.P. No. 2 is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that O.P. No. 2 is married from before and from her first marriage, a girl child was born and the O.P. No. 2 has not divorced her earlier husband.

5. At this stage, the learned counsel appearing on behalf of the petitioner submits that while filing the instant complaint case, the O.P. No. 2 concealed the fact that she was married from before rather gave an impression to the Court that the children i.e. both female and male were born out of the wedlock in between the petitioner and the O.P. No. 2. It is submitted that the complaint case does not even remotely suggest that O.P. No. 2 was married from before and was having a girl child from her first marriage, it is also submitted that during her S.A. before the learned Trial Court, the said fact i.e. about her earlier marriage and child was also concealed.

6. The learned counsel appearing on behalf of the O.P. No. 2, at this stage, submits that process under Section 82 Cr.P.C. has been issued, on which the learned counsel appearing on behalf of the petitioner submits that no doubt when a process under Section 82 Cr.P.C. is issued, it becomes difficult for an



accused to get the privilege of anticipatory bail, but then the facts of the case also needs to be appreciated. It is also submitted that it is not that in all cases where process under Section 82 Cr.P.C. is issued, the anticipatory bail is barred. It is reiterated and submitted that petitioner was completely unaware that the O.P. No. 2 was married from before and was having a girl child from her first marriage and the O.P. No. 2 concealing the said fact married the petitioner, but then the marriage is a void marriage, since till date O.P. No. 2 has not obtained divorce from her first husband. It is also reiterated and submitted that petitioner is taking care of his child whom O.P. No. 2 left with her and refused to take the child back, as would manifest that from Annexure P/3A at Page 33 where the Women Helpline had tried to mediate the issue, but then it is recorded that O.P. No. 2 refused to take the child back with her.

7. After hearing the learned counsel for the parties and considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned trial court where the case is pending/successor court
in connection with Complaint Case No. 249 of 2023 subject to
the conditions as laid down under Section 482 (2) of BNSS.

**8. Accordingly, the instant anticipatory bail
application stands allowed.**

(Satyavrat Verma, J)

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