

Court of District & Additional Sessions Judge XVI, Bhagalpur.

Present- Sandeep Singh

A.B.P. No. 740/2026

Arising out of Kahalgaon P.S. Case No. 342/2023

U/S 498-A of IPC and Section 3/4 D.P. Act

Sonu Kumar @ Sajan

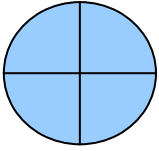
V/s

1. State of Bihar

2. Sony Kumari

Date	Order	Remarks
27.04.2026	(1) This anticipatory bail petition has been filed on behalf of petitioner viz. Sonu Kumar @ Sajan, aged about 27 years, son of Yogi Mandal @ Yogendra Mandal, resident of Kalgeeganj, P.S. Kahalgaon, District-Bhagalpur, present address Hakim Devi Prasad Road, P.S. Kotwali, District-Bhagalpur, who is apprehending his arrest in connection with Kahalgaon P.S. Case No. 342/2023 registered U/S 498 of IPC and 3/4 D.P. Act. (2) Heard Sri Himanshu Kumar Shekhar, Id. Counsel for petitioner and Sri B.K. Singh, Id. APP for the State. (3) Prosecution's case, as contained in typed report dated 20.03.2023, of informant Soni Kumari, in short, is that, she was married to Sonu Kumar @ Sajan (petitioner) on 01.03.2015 according to Hindu rituals in the presence of both families and relatives. At the time of marriage, her family gave gold jewelry and household items like a bed, TV, almirah, and fridge. After marriage, she lived with her husband and later shifted to a rented house in Bhagalpur along with her mother-in-law. Her mother-in-law had illicit relationships with several men who used to visit our house. During those times, she was locked in a room. When she protested, her husband, mother-in-law, and one of those men physically assaulted her, even causing injury to her private parts. She was also forced to undergo abortions multiple times by giving medicines. On 15.08.2021, her husband left her at her parental home on the pretext of arranging a separate residence but kept all her belongings and jewelry. Later, he and his family demanded Rs. 3,00,000 as dowry to take her back. Despite her father giving money by selling land, their demands and harassment continued. For the last 9-10 months, her husband stopped contacting her and switched off his phone. When she contacted her father-in-law, he informed her that her husband had been remarried in November 2022 due to her refusal to follow her mother-in-law's immoral demands. However, her husband denied the second marriage. When she went to his rented house in Bhagalpur, she found that he had vacated the place. (4) Learned counsel for petitioners has submitted that, the petitioner has not filed any regular or anticipatory bail petition before the learned Sessions Judge, Bhagalpur or before the Hon'ble High Court, Patna, except this Bail Petition. Further, he submits that there is no criminal antecedent of petitioner. Further he submits that the petitioner is innocent and he has committed no offence as alleged in FIR only on intended to harass, fabricated case against petitioner. Further he submits that petitioner is ready to keep her wife with full dignity and ready to provide all facility but the real fact is that during the period of marriage petitioner was minor and forcibly solemnized his marriage with the petitioner. So this marriage is void ab-initio. Further, opposite party is modern and fashionable lady and after the so called marriage never came to petitioner's house till day. Further, he submits that the petitioner shall abide terms and conditions as per the	
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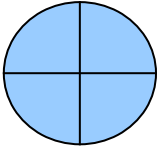
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<u>Contd.</u> 27.04.2026	law laid down U/S 438(2) of the Cr.P.C. Therefore, petitioner may kindly be granted anticipatory bail. (5) On the other hand, ld. APP has opposed the aforesaid prayer. (6) Heard both sides and perused the record. From which it transpires that vide order dated 17.04.2026 notice was directed to be issued to the informant of this case for her appearance before the court on this date. Photocopy of receipt filed on behalf of accused petitioner shows that notice has been issued to her. But she has not appeared before the court today. Since bail petition is required to be disposed of within a fixed time frame as per direction of Hon'ble High Court, therefore, instead of keeping the record pending for appearance of informant, record is taken up for final hearing and order. (7) In this case F.I.R. has been registered for the offences punishable U/S 498 of IPC and 3/4 D.P. Act, which are not only non bailable but also serious in nature. Accused-petitioner is FIR named accused and there are specific allegations that accused petitioner along with other co-accused person used to assault her and caused miscarriage her by administering medicine and there is also specific allegation that dowry of Rs. 3,00,000/- was demanded her and also they harassed her in connection with demand of dowry. Para 4 of case diary contains restatement of informant in which she has supported the case of prosecution. Vide para 5 prosecution witness Gaurav Kumar (brother of informant), vide para 6 prosecution witness Bhudev Mandal (neighbour of father of informant), vide Para 7 prosecution witness Sakhichand Mandal (neighbour of father of informant), vide Para 8 prosecution witness Chaitu Mandal (neighbour of father of informant) have also supported the case of prosecution. Para 23, 24, 26 contain the statements of other prosecution witnesses who have stated nothing about the alleged occurrence. Para 29 of case diary shows that petitioner has got clean antecedents. Para 41 of case diary shows that notice U/S 41(1) Cr.P.C. was issued to the petitioner & he has been released u/s 41(1) Cr.P.C. Now the investigation in this case is complete and charge-sheet has been submitted against accused petitioner and co-accused persons U/S 498-A, 34 IPC and 3/4 D.P. Act and cognizance has been taken by ld. Trial Court for the offence against accused petitioner and other co-accused. (8) In considering an anticipatory bail application the Court must balance the liberty of the individual with the administration of justice. The factors ordinarily considered include the nature and gravity of the accusation, the severity of the punishment, the antecedents of the accused, the possibility of the accused fleeing from justice or tampering with witnesses or evidence, the requirement of custodial interrogation, and whether the investigation is complete. Where the offences are serious and non-bailable there is no bar to granting anticipatory bail, but the grant must be on appropriate terms and after satisfaction on the above factors.	
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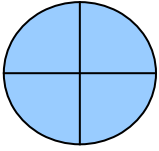
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Contd. 27.04.2026	(9) Now when this Court applies aforesaid settled principle of law governing anticipatory bail to the facts and materials available on record it transpires that; (i) Nature and gravity of allegation: The allegation against the petitioner is of cruelty, demand of dowry and assault. There is also allegation of forcing miscarriage by administering medicine. These allegations are serious in nature and attract Section 498-A I.P.C. and Sections 3/4 of the Dowry Prohibition Act. However, at this stage, the allegations arise out of a matrimonial dispute between husband and wife, which requires consideration in the light of surrounding circumstances and stage of the case. (ii) Materials in the case diary: The restatement of the informant and statements of some witnesses support the allegation regarding demand of dowry and harassment. At the same time, it appears that some witnesses have stated nothing about the occurrence. The materials on record thus show that the case is based on allegations arising out of matrimonial discord, which will require proper appreciation during trial. (iii) Defence plea: The defence taken by the petitioner regarding validity of marriage and his willingness to keep the informant with dignity cannot be conclusively decided at this stage. However, such plea indicates that the dispute between the parties is essentially matrimonial in nature. These aspects can be examined in appropriate proceedings and during trial. (iv) Stage of the case: It appears from the record that investigation has been completed and charge-sheet has already been submitted. Cognizance has also been taken by the learned Trial Court. Therefore, custodial interrogation of the petitioner is no longer required. (v) Conduct and antecedent: The petitioner is reported to have clean antecedent. It further appears that notice under Section 41(1) Cr.P.C. was earlier issued and he was released. There is nothing on record to show that the petitioner has misused the liberty granted to him during investigation. (vi) Possibility of tampering: Since the charge-sheet has already been submitted and the material witnesses are known, the possibility of tampering with evidence or influencing witnesses appears to be limited, which can be taken care of by imposing conditions. (vii) Overall consideration: Considering the nature of allegations, the materials in the case diary, completion of investigation, submission of charge-sheet, clean antecedent of the petitioner and the fact that custodial interrogation is not required, this Court is of the view that the petitioner can be granted the privilege of anticipatory bail with appropriate conditions. (10) It is ordered that in the event of arrest or surrender before the Id. Trial Court within four weeks from the date of receipt/production of this order, the petitioner shall be released of this order, the petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the	
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learned Trial Court subject to the following conditions under Section 482(2) BNSS:

- i. The petitioner shall cooperate in the trial and shall not cause any delay in the trial.
- ii. The petitioner shall not induce, threaten or promise any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the police.
- iii. The petitioner shall not tamper with evidence in any manner.
- iv. The petitioner shall ensure that the informant, upon returning to matrimonial home, is not subjected to any harassment or assault.
- v. The petitioner shall maintain peace and shall not involve himself in any offence of similar nature during the period of bail.
- vi. **The petitioner shall file a written undertaking on affidavit before the learned S.D.J.M., Bhagalpur, stating that he shall keep the informant with full dignity, honour, and safety in the matrimonial home, and shall not subject her to any physical or mental cruelty or harassment.**
- vii. **It is further directed that in the event the petitioner violate the aforesaid undertaking, and if the informant files a written information/complaint before the learned trial court alleging any act of cruelty, harassment, or ill-treatment, then the learned trial court shall be at liberty to pass appropriate order in accordance with law, including cancellation of bail bonds of petitioner.**
- viii. The petitioner shall furnish their mobile number, and email ID (if any) on the bail bond and shall keep the mobile number active and in case of change of their mobile number, and email ID (if any), the same shall be duly intimated to the ld. Trial Court.

(11) The observations made herein are confined to the adjudication of the present anticipatory bail petition and shall not prejudice the merits of the case during trial.

(12) O.C. is directed to transmit a copy of this order to the learned Trial Court forthwith for compliance and needful.

(Dictated)

Sd/-

(Sandeep Singh)

D.A.S.J., XVI, Bhagalpur

27.04.2026

Date of Judgment/Order	27.04.2026
Date of reserving Judgment/Order	27.04.2026
Uploading Date	27.04.2026
Uploaded by	Vipin Kumar