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Court of Sessions Judge, Darbhanga.
Present:- Shri Shiv Gopal Mishra, Sessions Judge, Darbhanga
A.B.P. No. 341/2026 (Shiv Kumar Kesra @ Sheo Kumar Vs. State of Bihar)

In the Court of Sessions Judge, Darbhanga.

A.B.P. No. 341 of 2026

In the matter of:-

Shiv Kumar Kesra @ Sheo Kumar son of Rambriskh Kesra -----Petitioner.

Vrs.

The State of Bihar. -----Opposite Party.

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For the Petitioner : Shri Krishna Kumar Mishra, Ld. Advocate..

For the O.P.(State) : Shri Amrendra Nr. Jha, Ld. P. P.
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ORDER.

03. 10.03.2026 Heard learned counsel for the petitioner as well as learned P.P. for the State on anticipatory bail filed on behalf of above named petitioner, who is apprehending his arrest in connection with C.R.No. 1742/2018 for offences U/S 323, 324, 379, 307 and 498A of the IPC.

Heard learned counsel for the petitioner as well as learned P. P. for the State and perused the case record.

As per complaint petition, the prosecution case, in brief, is that marriage of complainant was solemnized with accused-petitioner Shiv Kumar Kesra on 10.12.2005 as per Hindu Rites and Customs. After marriage complainant went to her matrimonial house where she lived happily for two year. The complainant had one daughter out of her wedlock. It is further alleged that after the birth of her daughter accused petitioner and his family members started demanding of Rs. 10,00,000/- cash as a dowry and upon non fulfillment of the same all the accused persons along with her husband started abusing, assaulting and torturing her mentally and physically. It is further alleged that accused petitioner and his family members tried to kill the complainant by giving poisoned milk. It is further alleged that accused persons forcefully snatched complainant's belonging and ousted her from her matrimonial house.

Learned counsel for the petitioner submitted that the petitioner is quite

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innocent and has been falsely implicated in the case due to matrimonial dispute and misunderstanding between the parties. It is further submitted that petitioner has committed no offence as alleged by the complainant and the entire allegation leveled against the petitioner is false and concocted. It has further submitted that there is no specific allegation of assault or torture against the accused petitioner. It has further submitted that petitioner is husband of the informant and he is ready to keep his wife with full honour and dignity, but complainant herself left her house without permission of accused petitioner. He further submitted that accused petitioner has also filed M.T.S.Case No.331 of 2019 against the informant of this case u/s 9 of the Hindu Marriage Act for restitution of his marriage. He further submitted that marriage of complainant with accused petitioner was solemnized in the year 2005. It has further submitted that no case is made out against the accused petitioner. Hence, prayer for grant of anticipatory bail to the petitioner.

On the other hand, learned P. P. opposed the prayer for bail.

From the perusal of complaint petition it is alleged against accused petitioner that he along with other abused, assaulted and tortured to the complainant due to non fulfillment of demand of dowry. The petitioner is husband of the complainant and their marriage was solemnized in the year 2005. It appears that accused petitioner has also filed M.T.S.Case No.331 of 2019 against the informant of this case u/s 9 of the Hindu Marriage Act for restitution of his marriage.

Considering the above facts and circumstances of the case discussed above the instant petition for anticipatory bail of Petitioner is **allowed** and it is ordered that in the event of arrest or surrender before the court below within a period of fortnight from the receipt of this order, the petitioner shall be released on bail on

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furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below subject to the condition under the provision of section 438(2) Cr.P.C. with condition that he will cooperate in the investigation/trial of this case and made himself available in the court whenever required.

(Dictated)

(Shiv Gopal Mishra)
Sessions Judge,
Darbhanga.
10.03.2026.