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Santosh Kumar Pandey, D&ASJ - II, Darbhanga
BP No. 372/2026
(Arising out of CR (P) Case No. 499/2020)
Amarjeet Baitha versus the State of Bihar.
Date of Order - 12.05.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE - II, DARBHANGA
BP No. 372/2026

Amarjeet Baitha s/o Sogarath Baitha, r/o Village - Bharathi, P.S. - Simri, District -
Darbhanga Petitioner
versus
State of BiharOpposite Party

Counsel for the Petitioner (s) : Sri Sanjeev Ranjan, Advocate.
Counsel for the State : Sri A. N. Jha, Public Prosecutor.
Counsel for the Informant : Sri Shailendra Baitha, Advocate.

ORDER
12.05.2026

1. The present application has been filed on behalf of the petitioner seeking regular bail in connection with C.R. (P) Case No. 499 of 2020 in which cognizance has been taken vide order dated 26.07.2022 for the offences punishable under Section 498(A) of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The petitioner is in judicial custody since **11.04.2026**.
2. Before advertng to the merits of the present application, it is relevant to notice the earlier proceedings concerning the petitioner. It appears from the record that the petitioner had earlier approached the Hon'ble High Court in Criminal Miscellaneous No. 68743 of 2023 wherein vide order dated 01.11.2023, the Hon'ble Court was pleased to grant provisional bail to the petitioner for a period of six months subject to certain conditions, inter alia, that the petitioner would visit the house of opposite party no. 2 and bring her back to the matrimonial home where both of them would reside together. It further appears that thereafter vide order dated 07.05.2024 passed in the aforesaid Criminal Miscellaneous, the Hon'ble High Court confirmed the provisional bail subject to further conditions including payment of maintenance amount of Rs. 3,000/- per month to opposite party no. 2. The Hon'ble Court specifically directed that in case the petitioner failed to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail bond. The record further reveals that on 18.07.2024, the learned S.D.J.M., Darbhanga granted bail to the petitioner in compliance with the order of the Hon'ble High Court. Subsequently, on allegation

of violation of the conditions imposed by the Hon'ble High Court, particularly non-payment of interim maintenance, the learned court below cancelled the bail bond and issued Non-Bailable Warrant against the petitioner. Pursuant thereto, the petitioner was arrested on 11.04.2026 and since then he is in judicial custody.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. It has been argued that due to his judicial custody and financial difficulties, the petitioner could not regularly pay the maintenance amount. Learned counsel further submitted that the bail earlier granted to the petitioner was based upon compromise between the parties and the petitioner is still willing to keep the complainant with full dignity and honour. It has also been submitted that the petitioner had no deliberate intention to violate the conditions imposed by the Hon'ble High Court and, therefore, a lenient view may be taken in the matter.
4. On the other hand, learned Public Prosecutor assisted by learned counsel for the Informant vehemently opposed the prayer for bail and submitted that the petitioner has willfully violated the conditions imposed by the Hon'ble High Court while granting and confirming provisional bail. The complainant, who is also present in person, submitted before the Court that she has not received the interim maintenance amount as directed by the Hon'ble High Court. It has thus been argued that the petitioner, having failed to honour the conditions of bail, does not deserve the discretionary relief of regular bail.
5. I have heard learned counsel for the parties and carefully perused the materials available on record. The grant of bail is undoubtedly a matter concerning personal liberty; however, the same is also governed by the conduct of the accused and his adherence to the conditions imposed by the Court. The materials on record prima facie indicate that while granting provisional bail and subsequently confirming the same, the Hon'ble High Court had imposed specific and unequivocal conditions regarding payment of maintenance to the complainant. The order of the Hon'ble High Court clearly stipulated that failure to deposit maintenance for two consecutive months would entitle the court below to cancel the bail bond. From the submissions advanced and the materials available on record, it appears that the

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petitioner failed to comply with the conditions imposed by the Hon'ble High Court. The condition regarding payment of maintenance was not merely procedural in nature but formed an integral part of the order granting concession of bail to the petitioner. Compliance with such condition was expected in letter and spirit. The conduct of the petitioner in not adhering to the directions of the Hon'ble High Court reflects disregard towards the judicial order and adversely affects his claim for equitable discretionary relief.

6. This Court is conscious of the principle that bail is the rule and jail is an exception. However, where an accused person, after obtaining liberty from the Court, fails to comply with the conditions attached thereto, such conduct becomes a relevant factor while considering a subsequent prayer for bail. The Court cannot overlook wilful disobedience of judicial directions, particularly when such directions were passed for ensuring financial support and protection to the complainant in a matrimonial dispute.
7. In the present case, the petitioner has failed to satisfactorily explain the persistent non-compliance of the conditions imposed by the Hon'ble High Court. The complainant has specifically asserted that she has not received the maintenance amount. In such circumstances, considering the conduct of the petitioner and the nature of violation alleged against him, this Court does not find it to be a fit case for grant of regular bail at this stage.
8. Accordingly, the prayer for bail of the petitioner is hereby **rejected**.

(Santosh Kumar Pandey)
Additional Sessions Judge - II,
Darbhanga
12.05.2026

Date of Judgement/order	12.05.2026
Date of reserving judgement/Order	12.05.2026
Uploading Date	13.05.2026
Uploaded by	Ashish Kumar, Stenographer.