

7. I have given anxious consideration to the entire material on record and the submissions advanced. The accused-petitioner had obtained anticipatory bail from the then Ld. Court of District & Sessions Judge by giving his own consent that he would pay interim maintenance of Rs. 4,000/- per month to his wife and the privilege of anticipatory bail was granted on the basis of his own consent mentioned in bail order. The subsequent non-appearance leading to cancellation of the bond, and, more importantly, the categorical and defiant statement made by the applicant in open Court today that he will neither keep his wife nor comply with any condition of the previous order, clearly demonstrate that the accused-petitioner has not only misused the privilege of bail but has also shown scant regard to this Court for the Order of the then Ld. District & Sessions Court granted him to vide A.B.P. 276/2024 VOD. 01-03-2024.
8. The statement of the complainant regarding the second marriage and the child born therefrom further fortifies the allegation of the complainant and indicates that the accused-petitioner has no intention of honouring the commitments made before the then Learned Court of District & Sessions Judge, earlier. When an accused, after having obtained liberty on the basis of specific consent, openly refuses to abide by those very conditions, the Court cannot be expected to once again extend the same privilege of bail.
9. Considering the deliberate misuse of the privilege of bail, the open defiance of the earlier order of the Ld. Court of District & Sessions Judge and the straight refusal to comply with the conditions, and the overall conduct of the accused, this Court is of the considered view that the petitioner does not deserve the concession of bail at this stage.
10. **Accordingly, the bail petition of the accused-petitioner is hereby rejected.** The accused is remanded back to the judicial custody. The learned trial court is directed to proceed with the trial expeditiously. Any observation made herein is only for the limited purpose of deciding the bail petition and shall not influence the trial on merits.
11. With the bail order the bail petition of the above petitioner is hereby disposed of. Let a copy of this order with TrCR be sent to Ld. Trial Court for information & needful.

Sd/-

Additional Sessions Judge - II
(I/C) Civil Court Sitamarhi

Copy forwarded to the Ld. Court of _____ for information & needful.

Vide Memo No. - _____ of

Office of Additional Sessions Judge – II.

Devesh Kumar
28-07-2026

Additional Sessions Judge - II
(I/C) Civil Court Sitamarhi

5. During the course of hearing of the present bail petition, the accused-petitioner was specifically asked by the Court whether he is ready and willing to comply with the conditions imposed in the order dated 01.03.2024 passed in A.B.P. No. 276 of 2024 granted by the then Ld. District & Sessions Judge, particularly the direction to keep the complainant with dignity and to pay interim maintenance of Rs. 4,000/- per month, to which the accused-petitioner in open Court, categorically stated that he will neither keep his wife with him nor will he comply with any of the conditions of the previous bail order granted to him by ABP No. 276 of 2024 by the then Ld. District & Sessions Judge

6. The complainant, who is present in Court, has stated that the accused-petitioner (her husband) has solemnized second marriage with another woman Chanchala Devi D/O – Vindeshwa Rai on -01-07-2023 which she has also stated in her Complaint petition and in her Solemn Affirmation and now a child has also taken birth from the said second wife. Learned counsel for the complainant has strongly opposed the prayer for bail contending that the the petitioner has knowingly and deliberately misused the privilege of bail earlier granted to him, has violated the solemn conditions imposed by this Court, and has shown complete disrespect and arrogance towards the authority of the Court by openly declaring that he will not fulfill any of the conditions despite having earlier sought and obtained anticipatory bail on the strength of his own consent as mentioned in the middle para of the bail order of A.B.P. No. 276/2024 granted to the accused-petitioner by the then Ld. District & Sessions Judge VOD. - 01-03-2024 as follows :-

"उभयपक्षों को सुना, अभिलेख का अवलोकन किया। अभिलेख के अवलोकन से विदित होता है कि आवेदक परिवादिनी का पति है वह अपनी पत्नी को सम्मानपूर्वक रखने को तैयार है। परिवादिनी ने कथन किया कि उसका पति दूसरा शादी कर लिया है, उसके साथ नहीं रह सकती हूँ। आवेदक ने इस बात पर सहमति दी कि वह परिवादिनी को अंतरिम भरण पोषण हेतु 4000 रुपया प्रति माह अदा करेगा।

अतएव अपराध की प्रकृति को दृष्टिगत रखते हुए उपरोक्त नामित आवेदक का अग्रिम जमानत स्वीकृत किया जाता है। विद्वान विचारण न्यायालय में आदेश की प्रति प्राप्त होने के चार माह सप्ताह के अंदर गिरफ्तार किये जाने तथा आत्मसमर्पण किये जाने पर धारा 438(2) द०प्र०सं० के शर्तों के अधीन 10,000 रुपया (दस हजार) रुपया की समान धन राशि के दो प्रतिभुओं सहित बंधपत्र दाखिल करने पर विचारण न्यायालय की संतुष्टि पर जमानत पर छोड़े जाने का आदेश दिया जाता है साथ ही विचारण न्यायालय को निर्देश दिया जाता है कि वह इस बात की निगरानी रखे कि आवेदक परिवादिनी को प्रति माह अंतरिम भरण पोषण की राशि 4000 रुपया प्रति माह भुगतान करेगा। अगर विचारण न्यायालय यह पाती है कि आवेदक परिवादिनी को अंतरिम भरण पोषण की राशि को भुगतान नहीं करता है तो विचारण न्यायालय आवेदक का बंधपत्र खंडित करने के लिये स्वतंत्र होगा।"

Accordingly the petitioner furnished bail-bonds in Ld. Trial Court as per above Order and was released on 14-03-2024 on anticipatory bail in terms of the above in bail Order.

In the Court of Additional Sessions Judge - II
Civil Court Sitamarhi

B. P. No. – 283/2026

(In connection with Complaint Case No. - 198/2023)

Santosh Kumar	Age – 30 Years	S/O – Upendra Rai R/O Village - Amana P. S. - Sursand District – Sitamarhi ----- Accused-Petitioner
		vs.
State of Bihar		----- Opposite Party
Learned Counsel for the Petitioner –		<u>Mr. Nawal Kishore Bharti.</u>
Learned Counsel for the Complainant–		<u>Mr. Indrajeet Prasad.</u>
Learned Counsel for the State –		<u>Mr. Pradeep Kumar, the learned APP.</u>

Present – Devesh Kumar
Additional Sessions Judge – III, Civil Court Sitamarhi
Order Passed as In-charge of Additional Sessions Judge - II

Order

Dated – 28/07/2026 :-

1. The present bail petition has been filed seeking regular bail in Complaint Case No. C-1 of 198/2023 under Sections 498A, 323 and 504 of the Indian Penal Code. The bail petition has been transferred to the Court of Ld. Additional Sessions Judge – II.
2. Heard learned counsel for the accused-petitioner, the learned Additional Public Prosecutor for the State and learned counsel for the complainant viz.- Mala Devi. The accused-petitioner in custody and thus was produced before this Court from jail on production warrant. The complainant is also present in person with his learned Counsel.
3. Ld. Counsel submitted that by an order dated 01.03.2024 passed in A.B.P. No. 276 of 2024, the then Ld. Court of District & Sessions Judge, had granted anticipatory bail to the accused-petitioner on the specific condition that he shall pay interim maintenance of Rs. 4,000/- per month to the complainant and shall abide by the conditions under Section 438(2) of the Code of Criminal Procedure. The accused-petitioner had, through his counsel, given a clear undertaking before the Ld. Trial Court that he was ready to keep the complainant with respect and dignity and to pay the said interim maintenance regularly and accordingly was bailed out on furnishing bail-bonds.
4. It is not disputed that the anticipatory bail bond was subsequently cancelled by the learned Magistrate on 02.01.2025 on account of non-appearance of the accused-petitioner, when the complainant and her witnesses were examined in pre-charge evidence. The applicant was taken into custody on 07.11.2025 and has remained in judicial custody since then. His earlier regular bail application was rejected by the Ld. Magistrate VOD. 17.11.2025 considering the violation of the condition of bail order granted in A.B.P. No. - 276/2024 by the then Ld. District & Sessions Judge, Sitamarhi.