

In the Court of Sessions Judge, Supaul
A.B.A.-1666/2025
(Arising out of Complaint Case No:-184C/2025)

<u>01/04/2026</u>	<p>Binit Jaiswal @ Binit Kumar, S/o- Shiv Kumar Chaudhary, R/o- Malik Chowk, Ward No.23, PS+ District- Supaul;Accused/ petitioner Vs. State of BiharO.P</p> <hr/> <p>Ld. Counsel for petitioner Sri. Brajesh Kumar Singh, Advocate. Ld. PP Sri. J.N.Pandey, for the State. Ld. counsel for complainant Sri. N.N.Thakur, Advocate.</p> <p>By this order we are going to dispose off the anticipatory bail application filed on behalf of accused/ petitioner, namely Binit Jaiswal @ Binit Kumar, who is apprehending his arrest in connection with Complaint Case No.184C/2025, U/s- 85 of BNS and 4 of D.P.Act.</p> <p>Ld. counsel for the accused/ petitioner argued that accused/ petitioner is quite innocent and has committed no offence and he has falsely been implicated in this case due to dirty village politics. He further submitted that the accused/ petitioner is not involved in any other case and having the clean antecedent. He further submitted that the offence u/s- 85 of BNS and 4 of D.P.Act is not applicable against the accused/ petitioner. It is also submitted that accused/ petitioner is ready to abide by the provisions of section 482 of B.N.S.S, so he may be admitted to the anticipatory bail.</p> <p>Ld. PP for the State strongly opposed the anticipatory bail application.</p> <p>In brief, the prosecution story is that a complaint case was filed by the complainant namely Pooja Kumari against 5 accused persons, including this accused/ petitioner, who is the husband of the complainant. As per the statement of the complainant, her marriage was solemnized with this accused/ petitioner on 29.11.2023 as per the Hindu Rites and Customs. The complainant further alleged that after 30 minutes of her marriage, all the accused persons have started torturing her for the demand of dowry. The complainant further alleged that accused Sweta Jaiswal, who is her <i>Nanad</i> has instigated the other accused persons to torture her. She further alleged that her marriage was love-cum-arrange marriage and her parents had given the dowry worth of Rs.11 lakh in the said marriage. She further alleged that her husband and his family members have demanded the dowry of Rs.15 lakh and due to non-fulfillment of the said demand they have assaulted her. She further alleged that her husband has filed a divorce case in the Family Court and the complainant has expressed her desire to reside with her husband.</p> <p>Argument heard from both sides and perused the lower court record. On perusal of lower court record, it transpires that in this case the complainant also examined other witnesses namely Priyanka Bharti, Manibhushan Kumar Chaudhary, Rakesh Chaudhary and Sonu Kumar and on the basis of the above-said statement, the Ld. Magistrate has</p>	Contd.
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took cognizance against this accused/ petitioner, u/s- 85 of BNS and 4 of D.P.Act vide order dated 18.07.2025. This anticipatory bail application was filed on 20.11.2025 and this court has called the complainant as well as her husband/ petitioner herein and tried to conciliate the matter between the parties, but not fruitful result has been found. This is the strange situation that within half an hour of her marriage, her husband and other family members have started torturing the complainant and the complainant has filed this complaint case on 27.02.2025 i.e., within 15 months of her marriage. The allegation against this accused/ petitioner is general in nature and neither party are willing to conciliate their dispute and there is no any chance of amicable settlement between the parties. The case revolves on complaint petition. The offence under which the cognizance was taken by the Ld. Magistrate is punishable for less than 7 years. Hence, as per the *Ratio laid-down* by the Hon'ble Supreme Court in case of "**Satendra Kumar Antil Vs. CBI**" and our own Hon'ble High Court, Patna in case of "**Naushad Ansari Vs. The State of Bihar**", I find that the accused/ petitioner is entitled to get the benefit of anticipatory bail. Therefore, prayer for anticipatory bail of accused/ petitioner stands **Allowed** and in the event of his arrest or surrender before the court within 15 days from the date of receipt of a copy of this order, petitioner is directed to be released on furnishing bail bonds of Rs.20,000/- with two sureties of like amount each to the satisfaction of Learned Court below with condition that he shall abide by all the conditions laid down in section 482 of B.N.S.S and one of the bailor must be family member or close relative.

Dictated
-Sd-
(Anant Singh)
Sessions Judge, Supaul