

**In the Court of Sh. Naweem Kumar Ld. Dist & Addl.**  
**Sessions Judge-XVI, PATNA**  
**A.B.P. No. 4940 of 2025**

**(Mahila PS Case No- 120 of 2025)**

**Ravi Kumar, aged 37 years, S/o Om Prakash Gupta, 25, Main Road, Daudpur, Shahpur, Dinapur - cu- Khagaul, District- Patna**

**.....Petitioner.**

**Versus.**

**The State of Bihar.**

**..... Opp.Party.**

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**ORDER**

**16-04-2026** This anticipatory bail petition has been filed u/s 482 of B.N.S.S. on behalf of above named petitioner, who is apprehending his arrest in connection with Mahila PS Case No- 120 of 2025 registered under Sections 126(2), 115(2), 352, 351(2), 85 and 3(5) of BNS.

Heard learned counsel for the petitioner.

It is submitted that earlier no bail petition has been filed on behalf of the petitioner either for grant of anticipatory bail or regular bail before this learned court and before the Hon'ble High Court Patna. Ld. Counsel for the petitioner further submits that the petitioner has no criminal antecedent. Petitioner has been falsely implicated in this case. Allegations against the petitioner is baseless, fabricated with intend to harass him. The petitioner and informant are husband and wife. The allegations made by the informant are vexatious, exaggerated, malicious and filed primarily to exert pressure and harass the entire family due to matrimonial dispute. The informant herself has left the petitioner's house. Hence Ld. Counsel for the petitioner prayed that the petitioner may be enlarged on pre-arrest bail.

Learned Addl.P.P. strongly opposed the payer for bail of the petitioner.

It is the case of prosecution that the informant was married to the accused Ravi Kumar fifteen years ago according to Hindu rites and rituals. Out of the wedlock, they have two sons. After one year of marriage, the husband of the informant used o physically assault

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and abuse her in drunken state. Accused along with his family members used to defame her character and tried to oust her from the house. The accused also tried to physically assault his two sons. It is further alleged by the informant that the accused was also in illegal relationship with his Bhabhi and when the informant tried to protest about this then the accused persons used to beat her and her sons. All of a sudden, on January 2024, the accused oust her from the house along with her children. Accordingly, FIR was registered.

I heard rival contentions of both the parties and perused the record. On perusal it transpires from the record that there is a family dispute between the parties and considering the fact and circumstances the matter was referred to Mediation Cell, Patna but settlement could not taken place.

The informant had made allegation in the FIR that the present petitioner is having illicit relationship with his sister-in-law (bhabhi) and whenever, the informant objected the said relationship, the present petitioner used to starve, beating to the informant. The allegation made in the FIR are general in nature and no specific date of incident is mentioned in the FIR.

The offence alleged to have been committed by the petitioner is less than seven years. It also transpires para no. 43 of the case diary that notice u/s 35(iii) was served to the petitioner.

*It has been held by the Hon. Supreme Court in case of **Sanjay Chandra vs C.B.I AIR. 2012 SC 830** that deprivation of liberty must be considered as a punishment unless it is required to ensure the attendance of accused during trial. The object of bail is to secure appearance of the accused during trial. Detention in custody results in causing grave hardship and hampers the ability of the accused to prepare for his defence. It has been held by superior Courts in catena of judgments that bail is rule and jail is an exception. Nothing here in above discussed is tantamount to affect merit of the prosecution case.*

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Accordingly, the prayer for anticipatory bail of the above named petitioner, **Ravi Kumar**, is **allowed**. In the event of his arrest or surrender before the ld. trial court within four weeks from the date of receipt of a copy of this order, the petitioner shall be released on bail on furnishing a bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the ld. trial court subject to the following conditions that :-

1. The petitioner is directed to join the investigation as and when he is required by the IO.
2. Petitioner is directed to remain present during trial.
3. Both bailors must be near relative of the accused-petitioner.
4. The petitioner shall not repeat such type of offence in future otherwise the state shall be at liberty to file cancellation of bail of the petitioner.

**(Dictated)**  
**Sd/-**  
**(Naveen Kumar)**  
**Dist & Addl. Sessions Judge- XVI**  
**Patna**