IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26767 of 2026

Arising Out of PS. Case No.-214 Year-2025 Thana- EAST CHAMPARAN COMPLAINT District- East Champaran

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Kundan Kumar @ Kundan Kumar Singh S/O Ramchandra Singh R/O Vill.- Pipra, Ward no. 13, P.S.- Pathkauli, Dist.- West Champaran, Bihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. Payal D/O Late Rajiv Ranjan Singh R/O Vill.- Chintawanpur, P.S.- Pipra, Dist.- East Champaran, Motihari, Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 20-08-2026 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the complainant, Mr. Sharda Nand Mishra.

2. The learned A.P.P., at the outset, submits that from perusal of the anticipatory bail application, it would manifest that petitioner is seeking anticipatory bail in Complaint Case No. 214 of 2025, in which cognizance has been taken under Section 85 of the BNS. It is next submitted that after cognizance is taken, summons are issued and if petitioner based on summons appears before the learned Trial Court, the petitioner will not be arrested rather will join the proceedings before the learned Trial Court and for the said submission relies on an

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order of the Hon'ble Supreme Court in **S.L.A. (Criminal) No.16221 of 2025 (Om Prakash Chhawnika @ Om Prakash Chabnika @ Om Prakash Chawnika vs. the State of Jharkhand and another)** disposed of by an order dated 23.04.2026 and relies on Paras-8, 9 and 10 of the order dated 23.04.2026.

3. The learned counsel appearing on behalf of the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case and the dispute is matrimonial, but then is not in a position to rebut the submission made by the learned APP that since summons have been issued, the petitioner ought to have appeared before the learned Trial Court and joined the proceeding. It is also submitted that till date non-bailable warrant of arrest has not been issued against the petitioner.

4. At this stage, the learned counsel appearing on behalf of the complainant also concurs with the submission made by the learned APP for the State.

5. After hearing the learned counsel for the parties, the anticipatory bail application is disposed of with a liberty to the petitioner to appear before the learned Trial Court on or before 28.8.2026 with a copy of the order dated 23.04.2026 in S.L.A. (Criminal) No.16221 of 2025 (Om Prakash Chhawnika @ Om Prakash Chabnika @ Om Prakash Chawnika vs. the

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State of Jharkhand and another) and the learned Trial Court is directed to proceed strictly in accordance with the order of the Hon’ble Supreme Court.

(Satyavrat Verma, J)

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