

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74104 of 2023**

Arising Out of PS. Case No.-536 Year-2021 Thana- SARAN COMPLAINT CASE District-  
Saran

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RAHUL KUMAR BHARTI son of Manoj Bharti Village- Maney Mathiya Ps-  
Ekma Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Devi wife of Rahul Kumar Bharti, D/o- Late Suresh Parwat  
Village- Janey Mathiya Ps- Ekma Dist- Saran A/P- Village- Mora Ps-  
Bhagwanpur Hat Dist- Siwan

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Alok  
For the Opposite Party/s : Mr. Meena Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 3      05-03-2024      1. Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out  
of Complaint Case No. 536 of 2021, disclosing offences  
under Sections 323/498-A/406/494 of the Indian Penal  
Code and Section 3 of the Dowry Prohibition Act.
3. The prosecution case, as per the complaint, is that the  
marriage of the petitioner solemnized with the opposite  
party no. 2 on 27.01.2019. It has further been alleged that  
after some time the petitioner, alongwith other accused  
persons, started demanding a bullet motorcycle and a sum  
of Rs. 5 Lakhs as dowry and due to non-fulfillment of the



said demand, the petitioner, alongwith other accused persons, tortured the opposite party no. 2 physically and mentally.

4. Learned Counsel for the petitioner submits that the petitioner is not having good economic condition due to which the opposite party no. is not willing to live with the petitioner. The petitioner is still ready to keep opposite party no. 2-complainant as his wife with honour and dignity. Learned counsel further submits that allegation of performing second marriage by the petitioner is not correct and other allegation made in complaint is also not true. He next submits that this Court vide its order, dated 28.11.2023, issued notice to the opposite party no. 2 and despite service of notice nobody has appeared on behalf of the opposite party no. 2.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioner is still ready to keep the opposite party no. 2 as his wife and despite service of notice nobody has appeared on behalf of the opposite party no. 2, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Saran at Chhapra, in connection with Complaint Case No. 536 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

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