

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35656 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

Vikas Kumar @ Vikash Kumar @ Bikash Kumar son of Late Vishwanath
Saw @ Vishwanath Sah R/o Village- Tetrah PS- Akorhi Gola Distt -Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Kumari Daughter of Shivpujan Sah village- Takiya, Ps- Sasaram town, dist- Rohtas

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rang Nath Dwiwedi, Adv

For the Opposite Party/s : Md. Matloob Rab, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 24-09-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 498A of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the case was taken up on 16-06-2025, when notices were issued on OP No. 2. It is next submitted that from perusal of the office report dated 13-08-2025, it would manifest that the notice has been received by the OP No. 2 personally, but then no one appears on her behalf to contest the case.



4. It is further submitted that petitioner, being husband, has been falsely implicated in the instant case by the OP No. 2 with an allegation that after marriage, the accused person, including the petitioner, started demanding a gold necklace and chain along with Rs. 2 lakhs as dowry, and on account of non-fulfillment of the demand, she was assaulted and ousted from her matrimonial home on 14-2-2024. The learned counsel submits that a specific pleading has been made at Para 7 that petitioner is willing to keep the OP No. 2 with honor and dignity. It is next submitted that OP No. 2, despite receiving notice, chooses not to appear that amply demonstrates that a false case was instituted. It is further submitted that petitioner works at a betel shop in Kolkata.

5. The learned APP opposes the anticipatory bail application and submits that from the complaint case, it manifests that OP No. 2 is not staying with the petitioner since 14-2-2024, i.e., from the day she was ousted from her matrimonial home. It is next submitted that petitioner himself has pleaded that he works in a betel shop, which amply demonstrates the financial condition of the family. It is further submitted that it may be a possibility that OP No. 2, despite receiving notice, chose not to appear as she might not be in a



position to engage a learned lawyer, on which the learned counsel appearing on behalf of the petitioner, submits that petitioner, being her husband, is aware of his responsibility and is willing to pay a monthly maintenance of Rs. 2,500/- which shall commence from 1-10-2025, on which the learned APP submits that no useful purpose would be served by sending the petitioner to jail when petitioner has agreed to pay a monthly maintenance and if petitioner is sent to judicial custody, in that event, chances of future reconciliation will also get marred.

6. Considering the submission made by the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 202 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that OP No. 2 shall be at liberty to file an application before this court seeking cancellation of the anticipatory bail granted to the petitioner, in the event if the petitioner does not deposit the monthly



maintenance as agreed for two consecutive months.

8. It is further made clear that the present maintenance shall stop, if a court of competent jurisdiction fixes the maintenance.

(Satyavrat Verma, J)

Sumit/-

U		T	
---	--	---	--

