

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36547 of 2025

Arising Out of PS. Case No.-48 Year-2023 Thana- COMPLAINT CASE District- Sheohar

Vijay Kumar @ Vijay Sah S/o- Mahendra Sah Resident of Village- Jaynagar
PS- Belsand District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binita Kumari W/o- Vijay Sah @ Vijay Kumar, D/o- Raj Kumar Sah A/P-
Kahtarwa Ps- Sheohar Dist- Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-09-2025 Heard Mr. Uday Kumar, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. C1/48 of 2023 for the offence registered under sections 498A, 34 of the IPC and Section 4 of the Dowry Prohibition Act.

3. As per the prosecution story, the lady was married to the petitioner in the year 2016 but was tortured for dowry and on 11.02.2023, allegation is that she was driven out of the house. This led to the complaint.

4. Learned Counsel for the petitioner submits that he is the husband, ready to keep her with full dignity and honour



but she herself is not inclined to continue with the marital status. Though the lady has not appeared, she is still his wife and in that background, the petitioner on his own would like to pay Rs. 3,000/- per month to her regularly on 10th of every month.

5. In this case, Co-ordinate Bench had issued notice to the opposite party no. 2 on 18.06.2025 and the office note shows that it has been personally received by her. However, on call, there is no appearance.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that demand of dowry is there.

6. Considering the submissions of the parties as also the materials on record, the lady has chosen not to appear in the case. The petitioner has undertaken to pay Rs. 3,000/- per month, the case is there, it will be taken to its logical conclusion, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Sheohar,



District-Sheohar in connection with Complaint Case No. C1/48 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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