

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50050 of 2025

Arising Out of PS. Case No.-895 Year-2023 Thana- COMPLAINT CASE - BIKRAMGANJ
District- Rohtas

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Monu Kumar S/o Sani Belas Singh R/o Village- Rampur, P.S.- Kudra,
District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/o Monu Kumar D/o Surender Singh, Present R/o Village-
Mathia, P.S.- Dinara, District- Kaimur at Bhabhua

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kiran Kumari Sharma, Adv.
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP
For the Complainant/s	:	Mr. Nagendra Upadhyay, Adv.
		Ms. Maya Shankar Mishra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 10-11-2025 Heard learned counsel for the petitioner, learned

counsel for the complainant and learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 895 of 2023 dated
15.12.2023 registered for the offences punishable under
Sections 323, 498A of the I.P.C. and Section 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the complainant
mentally and physically due to non-fulfillment of demand of
dowry.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. The petitioner has relied upon the judgment of this Court in the case of **"Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023** arising out of Special Leave Petition (CRL.) No. 3433 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the complainant have vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the matter was referred to the Mediation Centre to settle the dispute between the parties but as per the mediation report dated



26.09.2025, the mediation for amicable settlement between the parties has failed. Learned counsel has further submitted that the instant anticipatory bail application is not maintainable as the process u/s 82 of the Cr.P.C. has already been issued against the petitioner vide order dated 04.05.2024. The petitioner is declared a proclaimed offender. Learned counsel for the informant has further relied upon the case of ***(Abhishek vs. State of Maharashtra (2022) 14 SCC 529)*** where it was held that *“As regards the implication of proclamation having been issued against the appellant, we have no hesitation in making it clear that any person, who is declared as an ‘absconder’ and remains out of reach of the investigating agency and thereby stands directly at conflict with law, ordinarily, deserves no concession or indulgence.”* Reliance has further been placed on the decisions of ***(Lavesh vs. State (NCT of Delhi) (2012) 8 SCC 730, Adri Dharan Das vs. State of W.B. (2005) 4 SCC 303)*** and ***(Prem Shankar Prasad vs. State of Bihar 2021 SCC Online SCC 955)*** and in the case of ***(State of Haryana vs. Dharamraj (Cr. Appeal No. 2635 of 2023 @ out of SLP (Cri.) No. 2256 of 2022, reported in 2023 LiveLaw (SC) 739: 2023 INSC 784)*** disposed of 29.08.2023 wherein the Hon’ble Apex Court has held that: *“Anticipatory bail can be granted to a person to a*



*proclaimed offender only in exceptional and rare case.” It is further submitted that the materials available on the record do not reveal any exceptional or rare case due to which the plea of anticipatory bail may be considered. Learned counsel for the complainant has further relied on the judgment of **Srikant Upadhyay & Ors Vs State of Bihar & Anr. in SLP (Crl) No. 7940 of 2023** where it was held that "*even after the issuance of non-bailable warrants they did not care to appear before the Trial Court and did not apply for regular bail after its recalling. It is a fact that even after coming to know about the proclamation under Section 82 Cr.P.C., they did not take any steps to challenge the same or to enter appearance before the Trial Court to avert the consequence. Such conduct of the appellants in the light of the aforesaid circumstances leaves us with no hesitation to hold that they are not entitled to seek the benefit of pre-arrest bail.*"*

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the State and the learned counsel for the informant and the fact that the process u/s 82 has been issued against the petitioner, accordingly, the anticipatory bail petition is not maintainable. Accordingly, the same is disposed of with



direction to the petitioner to surrender to the Court below within a period of eight weeks from the date of this order and the Court below shall consider the prayer of the bail of the petitioner in accordance with law without being prejudice by this order.

7. The application stands disposed of.

(Chandra Prakash Singh, J)

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