

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81378 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- NAUGACHIA MAHILA P.S. District-
Bhagalpur

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Raja Kumar S/o- Pankaj Yadav Village- Chapar Ps- Rangra Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Kumari D/o- Amol Yadav Village- Shora Ps-Rangra Gopalpur Dist-
Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Adv.
For the State	:	Mr. Gauri Shankar Gupta, APP
For the Informant	:	Mr. Sunil Kumar Yadav, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 03-07-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation in the FIR is that of demand of dowry and consequent torture upon the informant.

4. Learned counsel for the petitioner submits that the allegations made in the FIR are not correct and as a matter of fact, the petitioner who after getting a job in the BSF was kidnapped by one Pintu Yadav who forcefully performed the



marriage of the petitioner with his relative who is the present informant. It is further submitted that the petitioner, at the outset, disputed the very factum of marriage between the parties and has brought on record Annexure-2 which is an application before the police filed by his father on 22.02.2023 to demonstrate that he was actually kidnapped by Pintu Yadav and forcefully married to the present informant on 20.02.2023. It is next submitted that the petitioner has also filed an application under Section 11 of the Hindu Marriage Act bearing Matrimonial Case No. 320 of 2024 before the Principal Judge, Family Court, Bhagalpur for declaring the marriage a nullity. It is also submitted that the father of the petitioner has also lodged a complaint case bearing Complaint Case No. 215 of 2024 against the father of the informant and other associates. It is lastly submitted that the petitioner has no criminal antecedent and he is doing job in BSF.

5. Learned APP for the State and learned counsel for the informant, however, vehemently oppose the prayer for anticipatory bail on the ground that the informant has been left in lurch after performing marriage with her by the petitioner and the demand of dowry is also correct.

6. Taking the rival contentions into consideration and also



the fact that the factum of marriage has itself been disputed, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within eight 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 the learned lower Court where the case is pending/successor Court in connection with Naugachia Mahila P.S. Case No. 18 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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