

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.122 of 2025

Arising Out of PS. Case No.-10 Year-2022 Thana- MAHILA P.S. District- Nawada

Rakesh Sharma @ Rakesh Kumar S/o Late Raj Kumar Thakur R/o Village-
Brindawan, PS.- Sarmera, District- Nalanda

... .. Petitioner

Versus

1. The State of Bihar
2. Resham Kumari D/o Balmiki Sharma R/o Village- Kena, P.S.- Mufsil,
District- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pramod Kumar Sinha, Advocate
For the Opposite Party/s :	Mr.Sanjay Kumar Sharma, A.P.P.
	Mr. VR Sonvadra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-05-2025 Petitioner, who is husband of opposite party no.2, apprehends arrest in a case registered for the offence punishable under sections 341, 323, 498A/34 of the IPC and sections 3 & 4 of the Dowry Prohibition Act.

2. As per the FIR dated 20.5.2022, opposite party no.2 was married to the petitioner. Later on, petitioner started demanding cash and a vehicle as dowry and on non-fulfilment of the same, petitioner and his family members started subjecting her to torture and harassment. On 10.10.2021 accused persons came to her parents' house and assaulted her.

3. Learned counsel for the petitioner, while denying the allegations, submits that opposite party no.2 herself left her matrimonial house. Petitioner is a farmer and he is ready to keep opposite party no.2 with honour and dignity. Learned counsel for the petitioner further submit that the police after investigation, has submitted charge sheet in the case.

4. Learned counsel for the State as well as opposite



party no.2, referring to page 2 of impugned order dated 29.1.2024, submit that the police, while extending benefits of section 41(1) of the Code of Criminal Procedure, has granted police bail to the petitioner, as such, anticipatory bail is not maintainable since anticipatory bail is sought before arrest, while police bail is granted after arrest.

5. Heard learned counsel for the parties and perused the impugned order dated 29.1.2024.

6. From perusal of the impugned order, it is clear that the petitioner is already on police bail under section 41(1) of the Code of Criminal Procedure. This Court, in case of **Mahendra Prasad Singh Vs. State of Bihar**, reported in **2004(3) P.L.J.R., 491** has held that once accused persons are granted privilege of police bail, they must honour the terms of police bail. Upon surrendering, petitioner is entitled to apply for bail, and the court is instructed to consider this application in alignment with the principle established in the cited case.

7. In view of the observation of this Court made in the aforesaid case, petitioner is directed to surrender before the Court below within a period of eight weeks from today. In case, petitioner surrenders and file an application for bail, the concerned Court will pass order in the similar manner as has been decided in the case of **Mahendra Prasad Singh (Supra)**.

8. With the above directions/observations, this application is disposed of.

(Prabhat Kumar Singh, J)

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