

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7871 of 2026

Arising Out of PS. Case No.-90 Year-2025 Thana- GAYA COMPLAINT CASE District-
Gaya

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Rahul Gupta @ Rahul Kumar, S/o- Late Ram Pravesh Saw, R/o- Mahudar
P.S.- Bodhgaya, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anshu Kumari, S/o- Rahul Gupta @ Rahul Kumar, D/o- Paro Sai, Resident
of Village- Mahudar, P.S.- Bodhgaya Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate Mr. Gajendra Kumar Singh, Advocate Ms. Surabhi Nirmal, Advocate
For the Opposite Party/s :		Mr. Md. Fahimuddin, APP Ms. Ranjana Singh, APP Ms. Rabia Gulnaz, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 21-05-2026 Heard the learned counsel for the petitioner, the

learned counsel for the opposite party no. 2 as well as the

learned A.P.P. for the State through virtual mode.

2. The petitioner is apprehending his/her arrest in
connection with Complaint Case No. 90 of 2025 registered for
the offence(s) under Section(s) 115(2), 109 and 85 of the
Bharatiya Nyaya Sanhita, 2023 (B.N.S.) and Sections 3 and 4 of
the Dowry Prohibition Act.

3. The prosecution case is to the effect that the
complainant has alleged that within one month of her marriage,
the accused persons demanded Rs. 10 lakhs and a four wheeler



and started harassing her. It has further been alleged that the complainant was forcefully thrown out of the house and, thereafter, she has been living at her *mayka*.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no such demand of dowry or assault has ever been taken place. It has further been submitted that from the perusal of the complaint itself, it would be evident that the date of the occurrence is said to be 12.09.2024 while the present complaint was filed on 15.01.2025, *i.e.*, after more than four months. It has next been submitted that, in fact, it was the petitioner who was assaulted on 12.09.2024 by the in-laws and for which the *fardbeyan* was recorded in the emergency hall of Magadh Medical College and Hospital, Gaya and, thereafter, as an afterthought, the present complaint was filed showing the date one day prior to the incident which had occurred with the petitioner. It has lastly been submitted that the petitioner has clean antecedent.

5. The learned counsel for the complainant and the learned A.P.P. for the State have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and have submitted that the petitioner and the entire family members have



been demanding dowry and even assaulted and forcefully thrown out the complainant from the house and, thereafter, they did not allow her to come back. It has further been submitted that the matter was referred to mediation and despite her eagerness to stay with the petitioner, the petitioner is now adamant not to keep her as his legally wedded wife.

6. Considering the aforesaid submissions and taking into account the fact that the matter relates to matrimonial dispute where case and counter case have been filed, let the petitioner, above-named, be released on anticipatory bail, in the event of his/her arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his/her furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Complaint Case No. 90 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

- (i) One of the bailors of the petitioner shall be his/her close relative and the other shall be a local



resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

krishna/sweta-

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