

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9064 of 2026

Arising Out of PS. Case No.-283 Year-2025 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Vijay Kumar @ Vijay Chaudhari S/O Raj Grihi Chaudhari @ Grihi Chaudhari
Resident of Village- Sitalpur, P.S- Suryapura, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muni Kumari D/O Dhanji Nunia, W/O- Vijay Kumar @ Vijay Chaudhari
R/O Village- Jagdatpur, P.S- Karaghar, Distt.- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the State : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-02-2026 Heard learned counsel for the Petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 283 of 2025 registered for the offences punishable under Sections 115(2), 85, 351, 352 and 3(5) of the Bharatiya Nyaya Sanhita (in short 'BNS') and Sections 3 and 4 of the Dowry Prohibition Act.

3. Mr. Siddharth Harsh, learned counsel appearing for the petitioner, submits that the petitioner is the husband of O.P. No. 2 and that the case of O.P. No. 2 is based on a complaint. The learned trial court has taken cognizance of the offences under Sections 115(2) and 85 of the BNS and Section 4



of the D.P. Act, in violation of the mandatory proviso appended to sub-section (1) of Section 223 of the Bharatiya Nagarik Suraksha Sanhita (in short, 'BNSS'), which clearly states that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard. The petitioner was not given any opportunity of being heard before taking cognizance of the alleged offences. In this regard, a specific statement has been made by the petitioner in the petition, and the cognizance order filed with this petition may also be perused. It is further submitted that there is no medical evidence to support the allegation of physical cruelty.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions and also taking into account the young age and fair and clean antecedent of the petitioner, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in



connection with Complaint Case No. 283 of 2025, subject to the
conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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