

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11157 of 2026

Arising Out of PS. Case No.-452 Year-2023 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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Dharmendra Kumar S/O Ramchandra Prasad R/O Vill- Vidhyapuri, P.S-
Hilsa, Dist - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/O Ranjeet Kumar R/O Mohalla - Tulsi Mandi, P.S -
Alamganj, Dist - Patna. At Present resident of Bir, P.S - Dhanarua, Dist -
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 18-05-2026 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner submits that in

view of the fact that the notices issued to opposite party no. 2

before the District Court, for securing a participation in the

proceeding, in which the opposite party no. 2 had not appeared

and even the notices served upon the opposite party no. 2, as per

the office report, has been returned with no clear report as to

why it has been returned and in view of the order passed by this

Court on 05.05.2026, this case was directed to be listed under

the heading “Admission”.

3. Today also, when this matter is called out to verify



the appearance on behalf of the opposite party no. 2 and in case he is called out nobody appeared for opposite party no. 2 and accordingly, this case is being heard on merit.

4. The petitioner is apprehending his arrest in connection with Complaint Case No. 452 of 2023, dated 18.04.2023 registered for the offences punishable under Sections 323, 379, 504, 498(A), 34 of IPC and under Section 3, 4 of Dowry Prohibition Act.

5. As per prosecution case, sufficient dowry articles were given at the time of marriage of complainant's daughter, namely, Ganita Kumari. After marriage, she remained at her matrimonial home for about ten days and thereafter returned to her parental house. Subsequently, after second marriage (Duragaman), a female child was born on 11.04.2019, whereafter the accused persons allegedly started subjecting her to cruelty and harassment on account of birth of a female child and further demanded Rs. 3 lakhs as additional dowry. It is further alleged that the accused persons tortured her and deprived her of food.

6. Learned counsel for the petitioner submits that as per the allegations levelled in the FIR, it is evident that the marriage between the opposite party no. 2 and the petitioner has



taken place on 19.04.2018 according to Hindu rites and customs and as per the allegation, at the time of marriage the valuables and cash were given and immediately after 10 days of marriage, the opposite party no. 2 is said to have returned to his parents house. Again, after three months, her second marriage was performed and one female child blessed from wedlock to the Ganita Kumari but because of the torture with her daughter, the panchayti is said to have taken place but the assault did not stop and even the in-laws used to abuse opposite party no. 2 and money was demanded from opposite party no. 2 leading to filing of the instant case.

7. The case of the petitioner is that due to mental problems of the petitioner, opposite party no. 2 has herself started to disliking this petitioner and contracted another marriage in the year 2022 along with Ravi Raj Son of Yogendra Prasad, R/O Village Kaushik Nagar, P.S.- Hilsa, District Nalanda and permanent address R/O Gosain Math, P.S.- Hilsa, District Nalanda and has started residing along with him and one female child has also taken birth from second marriage in the month of November, 2025 and the instant false case has been filed by her mother, namely, Rekha Devi which is false and frivolous. It is the case of the petitioner that the petitioner is not



mentally fit and his treatment is being given from different doctors/hospitals including Mental Hospital, Kanke, Ranchi as is being evident from the documents appended with the anticipatory bail petition which is appended as Annexure-P/2 and the opposite party no. 2 herself has refused to reside with this petitioner which is evident from the certificates as has been provided by Sindhu Kumar, Ward No. 22 of Ward Parishad, Hilsa, Nalanda which goes to show that the opposite party no. 2 is residing along with Ravi Raj and due to mental problem to the petitioner, the opposite party no. Ganita Kumari used to dislike him and due to such dislike, opposite party no. 2 has contracted second marriage and is residing along with him and one female child has also taken birth out of the second marriage in the month of November, 2025.

8. Learned APP for the State opposes the prayer for anticipatory bail application.

9. Considering the aforesaid facts and circumstances that there is already a second marriage contracted and despite notices having been issued to opposite party no. 2 in this case, he has not ensured the appearance in the present proceeding in this Court and also considering the materials available on record and looking to the mental conditions as evident from the



medical prescriptions appended with the instant bail petition, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

10. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate 1st Class, Patna City, in connection with Complaint Case No. 452 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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