

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28219 of 2026

Arising Out of PS. Case No.-264 Year-2022 Thana- BIHRA District- Saharsa

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Anuj Kumar @ Sunil Kumar Son of late Upendra Yadav @ Upendra Prasad
Yadav Resident of Village- Khadipur, P.S.-Bihra, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bandana Devi Wife of Anuj Kumar Resident of Village- Khadimpur Ward
No. 09, P.S.- Bihra, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Raj
		Mr. Prashant Kumar Singh
For the Opposite Party/s :		Mr. Raj Ballabh Singh

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel for

the opposite party no. 2.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 341, 323, 379,
498(A), 504, 506, 34 of the Indian Penal Code and Section 3 and 4
of the DP Act.

3. As per FIR, the informant was continuously subjected
to cruelty and harassment by her husband and his family members
on account of demand of dowry.

4. Learned counsel for the petitioner has submitted that
this is the second round of litigation so far as the case under
Section 498A filed by the informant-wife is concerned as against
the petitioner, who happens to be the hapless husband. In the
earlier case being Saharsa Mahila P.S. Case No. 80 of 2021,



anticipatory bail had been granted to the petitioner by a coordinate Bench of this Court with the condition that an amount of Rs. 3500/- would be paid to the informant every month. It is submitted on behalf of the petitioner that on account of the fact that he could not file his bail bonds, he subsequently filed a surrender-cum-bail petition and he was granted bail by the court of the SDJM, Saharsa on 24.03.2025 whereafter the petitioner has been paying an amount of Rs. 6000/- every month into the account of the informant/opposite party no. 2. He thus, submits that the present case has been filed only with oblique motives stating to be a fresh cause of action.

5. Learned counsel for the opposite party no. 2, however, strongly opposes the present anticipatory bail and has also filed a counter affidavit bringing on record the earlier order of this Court passed in Cr. Misc. No. 30784 of 2022. It has been submitted on his behalf that the payment, whatsoever, is being made only from the year 2025 whereas the order was of the year 2022, as such the petitioner should not be granted the privilege of anticipatory bail unless he pays the arrear amount.

6. In response to the same, it has been reasserted that the petitioner has secured regular bail as the bail was granted on his surrender and yet he is making the payment of Rs. 6000/- per month since the year 2025 and has also brought to the notice of



this Court that the opposite party no. 2 had also filed an application for cancellation of bail vide Cr. Misc. No. 44686 of 2025 which was also disposed of by a coordinate Bench of this Court by order dated 15.12.2025.

7. Taking into consideration all the above mentioned facts and circumstances and also considering the fact that as of now the petitioner is making payment to the opposite party no. 2 per month, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihra P.S. Case No. 264 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

8. It is however, expected that the amount that had been fixed by the earlier order of this Court in Cr. Misc. No. 30784 of 2022 would be regularly payed without any fail.

(Soni Shrivastava, J)

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