

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42249 of 2026

Arising Out of PS. Case No.-214 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

Amritesh Kumar Singh @ Mantu S/o Kameshwar Singh R/o Village- Gayani
Tola, PS- Agrer, Dist- Rohtas

... .. Petitioner

Versus

1. The State of Bihar
2. Anjali Devi W/o Amritesh Kumar Singh @ Mantu R/o vill - Gyani Tola,
P.S.- Agrer, Distt.- Rohtas, at present D/o Kanhaiya Prasad Singh, R/o vill-
Husainabad, P.S.- Rajpur, Distt.- Rohtas

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-07-2026 The defects, as pointed out by office, be ignored for the
present.

2. The accused-petitioner, named in the complaint
petition, is apprehending his arrest in connection with
Complaint Case No. 214 of 2023 registered for the offences
punishable under Sections 498A of the Indian penal Code.

3. At the outset, it is submitted by learned counsel
appearing on behalf of the petitioner that though it is a private
complaint and in view of legal report of Hon'ble Supreme Court
as available through **Om Prakash Chhawnika @ Om Prakash
Chabnika Vs. State of Jharkhand and Anr.** reported in **2026 SCC
OnLine SC 676**, this anticipatory bail is not maintainable, but as
the process of NBW and also section 82 of the Cr.P.C. initiated



against this petitioner, there is apprehension of arrest of the petitioner and, as such, this anticipatory bail is maintainable.

4. Taking note of the aforesaid, it is pointed out by learned A.P.P. for the State that as the process under section 82 Cr.P.C. is initiated against this petitioner, the present anticipatory bail is not maintainable in view of legal report of Hon'ble Supreme Court as available through **Srikant Upadhyay and Ors. Vs. State of Bihar and Ors.** reported in **2024 SCC OnLine SC 282.**

5. Considering the submission and counter submission, this Court is of the view that the dispute is primarily a family dispute and as there is no absolute bar *qua* maintainability in view of **Srikant Upadhyay (supra)**, this anticipatory bail is maintainable in view of aforesaid discussed legal position.

6. Allegation against the petitioner is to commit physical and mental cruelty upon the complainant/O.P. No.2 due to non-fulfillment of demand of dowry as raised for a cash of Rs. Three Lakhs.

7. It is submitted by learned counsel appearing on behalf of the petitioner that the present complaint petition was filed in apprehension that the petitioner might have solemnized his second marriage. It is submitted that the cash, as alleged, was



asked for to open a shop and not as dowry, as it is apparent from the complaint petition itself and, moreover, allegation of physical and mental cruelty is appearing very much general and omnibus in nature.

8. Arguing further, it is submitted that complaint in issue, which was filed on 02.03.2023 for an occurrence dated 14.01.2020 i.e. almost after three years, which is also not convincing and, moreover, complaint was filed without affidavit contrary to the legal report of Hon'ble Supreme Court as available through **Priyanka Srivastava Vs. State of Uttar Pradesh** reported in **2015 (6) SCC 287**.

9. Learned A.P.P. for the State, while opposing the prayer for anticipatory bail of the petitioner, could not disputed the aforesaid factual and legal submission.

10. In view of the aforesaid factual and legal submissions and by taking note of the fact as allegation *qua* physical and mental cruelty appearing very much general and omnibus in nature against this petitioner, where complaint in issue appeared lodged after three years of the last occurrence dated 14.01.2020, moreover, same also not appears supported by affidavit, as discussed aforesaid, accordingly, above-named petitioner, who is a man of clean antecedent, in the event of his



arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sasaram, Rohtas/concerned court in connection with Complaint Case No. 214 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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