IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44668 of 2026

CNR No. BRHC010626202026

Arising Out of PS. Case No.-742 Year-2011 Thana- COMPLAINT CASE - SIKRAHANA District- East Champaran

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Dhirendra Kumar Yadav @ Dhirendra Kumar S/O Late Babulal Rai @ Babulal Ray Resident Of Village- Sripur Uttarwari, P.s.- Ghorasahan, Dist.- East Champaran.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi D/O late Ramashish Sah Resident Of Village- Ghorasahan, Mai Sthan, P.S.- Ghorasahan, Dist.- East Champaran.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Harsha Shashwat, Adv.
For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

5 23-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner, who happens to be husband of O.P. No.2, is apprehending his arrest in connection with Complaint Case No. C-742 of 2011 in which cognizance has been taken for the offences punishable under Sections 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegedly, the marriage of the petitioner was solemnized with opposite party no. 2 in the year 2010, pursuant to a love affair between them. However, in course of time, she was subjected to demand of dowry and, on account of non-

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fulfilment of the same, she was subjected to various forms of physical and mental torture and ultimately, she was ousted from her matrimonial home along with her six-months female child.

4. Learned Advocate appearing on behalf of the petitioner submitted that the petitioner is an unfortunate husband who is himself a victim of circumstances. It is further submitted that the marriage between the parties was admittedly solemnized as far back as in the year 2010. Learned Advocate, on instructions, further submitted that the complainant has already contracted a second marriage and the petitioner is ready and willing to cooperate in the proceedings.

5. On the other hand, learned Advocate appearing on behalf of the State vehemently opposed the prayer for anticipatory bail and submitted that cognizance in the case was taken as far back as in the year 2011, whereas the petitioner has approached this Court only in the year 2026 and, on this ground alone, the petitioner does not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner is a labourer, the submission made on his behalf, on instructions, that the complainant has already

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contracted a second marriage, and further despite valid service of notice, none has appeared on behalf of opposite party no. 2, this Court is of the view that the petitioner has made out a case for consideration of his prayer for bail. However, having regard to the fact that the petitioner has approached this Court after an inordinate delay of about fifteen years from the date of taking cognizance, this Court is not inclined to grant him the privilege of anticipatory bail at this stage. Accordingly, his prayer is rejected.

7. In the event the petitioner surrenders before the learned jurisdictional Court within a period of four weeks from today, his prayer for regular bail shall be considered on its own merits and appropriate order(s) shall be passed without being prejudiced by this order.

(Harish Kumar, J)

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