

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64082 of 2025**

Arising Out of PS. Case No.-128 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Gopal Ghosh son of Jadav Ghosh RESIDENT OF VILLAGE -BARBARIA
PO- SUNDARPUR PS- BHAGWANGOLA DISTRICT -MURSHIDABAD,
WEST BENGAL

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Ghosh Daughte of Tarhi yadav RESIDENT OF VILLAGE-
MALIKPUR, PS- PIRPAINNTY, DIST- BHAGALPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha
For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 24-02-2026 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Complaint Case No. 128 / 2021 dt: 19.01.2021 registered under
Section 323, 354, 488, 420, 379, 504, 498(A) of the I.P.C. and
Section ¾ of the D.P. Act.

3. As per the allegation made in complaint case lodged by the
opposite party no. 2 bearing Complaint Case No. 128 / 2021 the
complainant was married with the petitioner on 02.05.2015.
Some time after marriage, the family members of the
complainant arrived for 'bedai' of the complainant but the same
was denied by petitioner and his family members. Accused no. 2
& 3 informed the complainant's family for her 'bedai' thereafter



she along with her cousin brother went to her 'sasural' wherein in presence of her cousin brother she was beaten by the accused no. 2. There is demand of dowry and torture mentally as well as physically. Cognizance was taken by the learned Magistrate on 15.11.2021.

4. Learned counsel for the petitioner submits that petitioner is husband and prior to lodging the present complaint having date of occurrence since 2015 an F.I.R. was lodged by the opposite party no. 2 bearing Bhagwan Tola P.S. Case No. 11 of 2020 in which the petitioner has been granted regular bail by A.C.J.M. at Lalbagh, Murshidabad, West Bengal on 29.02.2020 and the petitioner is still enjoying the privilege of bail. The present complaint case has been lodged in order to harass after the petitioner has been granted bail by the competent court on the same facts. The complainant filed a case under Section 125 Cr.P.C. bearing M.R. Case No. 103 / 2020 in which the family court has awarded maintenance of Rs. 9,000/- per month vide order dated 06.01.2022. A sum of Rs. 9,000/- was being deducted from the salary of the petitioner which would be evident from the order passed by Drawing & Disbursing Officer, 17th Batallion, BSF dt: 22nd February 2024 . The present case has been filed in abuse of the process of criminal court. The



petitioner and complainant are living together as husband and wife.

5. On the other hand, learned counsel for the complainant -opposite party no. 2 vehemently opposed the prayer for anticipatory bail and submits that Rs. 9,000/- maintenance was being deducted from the salary of the petitioner but subsequently the petitioner has been dismissed from his service as Constable, BSF on the ground that he performed second marriage during subsistence of first marriage. The payment was made before dismissal of the petitioner from service on 07.12.2024.

6. Regard being had to the submission made by the parties, taking into consideration the fact that there is marital discord between husband and wife and the fact that on the same set of facts earlier an FIR was lodged by the complainant-opposite party no. 2 in which the petitioner is on bail and the present complaint has been filed alleging cause of action since 2015 on the same set of facts, accordingly, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on



furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Bhagalpur in connection with Complaint Case No. 128 / 2021 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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