

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72986 of 2023

Arising Out of PS. Case No.-1168 Year-2010 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Anand Tiwari Alias Anand Kumar Tiwari Son Of Shri Ramji Tiwari Resident
Of Marudeeh, Post-Ramai Patti, P.S.-Badagaon, District-Varanasi (Uttar
Pradesh).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pushpa Pandey Daughter of Rameshwar Nath Pandey Resident of Village-
Chausa, P.O.-Chausa, P.S.-Buxar, District-Buxar as also at Quarter No.-21,
Near Suta Factory Storage Godown, Opp. Jiwan Hospital, Modinagar,
Ghajiyabad, Uttar Pradesh

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-01-2026 Heard the parties.

2. The petitioner is named in the Complaint Case and
apprehending his arrest in connection with Complaint Case No.
1168C of 2010 registered for the offences punishable under
Sections 498A of IPC and Section 4 of D.P Act.

3. The allegation against petitioner is to commit mental
and physical cruelty upon complainant/O.P. No. 2 due to non-
fulfillment of demand of dowry as raised for one Maruti car, one
lakh cash, one golden chain etc.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that the present complaint case was filed in



the year 2010 only when petitioner obtained divorce from complainant through divorce case no. 692 of 2006 from the court of learned Principal Judge, Family Court, Varanasi (annexure p/2). It is fairly pointed out that learned SDJM issued process under Section 82 of Cr.P.C., but as the dispute is private in nature, therefore, in view of legal report of Hon'ble Supreme Court as available through ***Asha Dubey vs. State of Madhya Pradesh*** as reported in ***2024 SCC OnLine SC 5633***, in interest of justice the privilege of anticipatory bail be granted to petitioner as there is no absolute bar as such that mechanically in all cases where the process initiated under Section 82 of Cr.P.C., the anticipatory bail shall not be granted to the accused-petitioner.

5. Arguing further, it is also submitted that the allegation *qua* demand of dowry committing mental cruelty is also appearing very much general and omnibus in nature. While concluding the argument, it is submitted that both parties after obtaining divorce, solemnized their marriage. It is further submitted that the judgment of divorce as discussed aforesaid was never challenged by complainant/O.P. No. 2 before any higher forum.

6. Learned APP opposes the prayer of bail.

7. It is submitted that this matter was initially tied up



with Cr. Misc. No. 58649 of 2023, where notice was issued, but despite repeated efforts, the complainant failed to join the present proceedings, where after, the other co-accused persons who are in-laws were granted bail.

8. None appeared on behalf of O.P. No. 2.

9. In view of aforesaid factual submission and by taking note of fact as the present complaint case was lodged after one year of dissolving the marriage between the parties, raising a serious doubt *qua* narration as set up through complaint, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Buxar /concerned Court, where the case is pending in connection with Complaint Case No. 1168C of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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