IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75664 of 2026

CNR No. BRHC011097462026

Arising Out of PS. Case No.-495 Year-2026 Thana- BHAGWAN BAZAR District- Saran

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Jitendra Kumar Pandey S/o Dinesh Pandey Resident of Village - Paterha, P.S. - Maharajganj, District - Siwan, Bihar, 841242.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Anuradha Mishra W/o Jitendra Kumar Mishra R/o Bajrang Nagar, Ward no. 10, Kashi Bazar, P.S. - Bhagwan Bazar, Dist. - Saran at Chapra.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Naresh Dixit, Adv.
For the State : Mr. Satyendra Narayan Singh, APP
For O.P. No.2 : Mr. Chandra Mohan Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-11-2026 Heard Mr. Naresh Dixit, learned Advocate for the petitioner; Mr. Satyendra Narayan Singh, learned APP for the State, and Mr. Chandra Mohan Jha, learned Advocate for the informant.

2. The petitioner apprehends his arrest in connection with Bhagwan Bazar P.S. Case No.495 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2) and 351(3) read with Section 3(5) of the BNS and Section 3/4 of the Dowry Prohibition Act.

3. Based upon the written report, the prosecution

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alleges that the marriage of the petitioner with O.P. No. 2 was solemnized on 04.12.2024. Despite sufficient dowry having been given at the time of marriage, the petitioner continued to demand additional dowry and subjected the informant to various forms of cruelty and torture. It is further alleged that on 21.06.2026, while the informant was returning to Chapra along with the petitioner from her matrimonial home, the petitioner started abusing her and forcibly pushed her out of the vehicle, whereafter he physically assaulted her. It is also alleged that the petitioner took out a knife and inflicted injuries on her head and left arm, as a result of which she fell on the ground.

4. Learned Advocate for the petitioner submitted that the entire accusation against the petitioner is palpably incorrect and false inasmuch as the petitioner and the informant had been living separately since December 2025, and even at the time of alleged occurrence, i.e., 21.06.2026, the petitioner was neither residing with the informant nor was he accompanying her at the alleged place and time of occurrence. It is argued that the reason for institution of the FIR is nothing but a matrimonial discord; nonetheless, the petitioner has always been ready and willing to keep O.P. No.2 as his wife. So far the allegation of physical assault is concerned, the same does not corroborate with the

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medical report. Referring thereto, it is submitted that the informant has categorically alleged that she had received a knife blow on left arm, whereas the X-ray report clearly suggests that the injury was found at right hand.

5. It is further contended on behalf of the petitioner that, in fact, a few months prior to the alleged occurrence, while the informant was travelling in a tempo, the vehicle overturned, as a result of which she sustained injuries. By taking advantage of the injuries sustained in the said accident, the informant has procured the present medical report by falsely attributing those injuries to the petitioner. Following the said incident, the informant was taken to a hospital, where a CT scan was also conducted on 10.04.2026. It is lastly argued that, be that as it may, the case is of family feud and a small day to day tits and bits; however, giving a different color, a move has been made to send the petitioner behind the bar, which would ultimately ruin the relationship between the husband and wife. Moreover, the petitioner is a teacher in government high school keeping fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Learned Advocate for O.P. No.2, taking this Court

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through the FIR and the medical report, submitted that the present case is not merely one of dowry demand and torture. Rather, the petitioner is alleged to have inflicted knife injuries on the neck, temporal region and hand of O.P. No. 2, as is evident from the medical report, a copy whereof has been brought on record as Annexure P/6 series, particularly at page 36. Out of the five injuries noted therein, injury no. 1 has been opined to be dangerous to life, whereas injury no. 2 has been found to be grievous in nature. It is further submitted that such conduct on the part of the petitioner cannot be condoned merely on the ground that he happens to be the husband of O.P. No. 2.

7. On the last occasion, when the matter was taken up, this Court put a query to the learned Advocates appearing for the respective parties as to whether there was any possibility of an amicable settlement between them. In response thereto, learned Advocate appearing on behalf of the petitioner submitted that the petitioner was always willing to keep O.P. No. 2 with full dignity and honour. However, the said submission was refuted by learned Advocate appearing on behalf of O.P. No. 2, who, on instructions, submitted that, in view of the circumstances prevailing between the parties, O.P. No. 2 apprehends danger to her life and is not willing to resume.

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8. This Court has also been informed that O.P. No.2 has also filed an application before the Superintendent of Police, Chapra, Saran on 08.10.2026 alleging that she is facing threat at the hands of the petitioner.

9. Having considered the rival submissions advanced by learned Advocates for the respective parties and taking note of the materials available on record, especially the factum of allegation of inflicting knife blow as well as the corresponding injury report, which clearly suggests that one of the injuries is grievous in nature, besides the subsequent conduct of the petitioner of extending threat to O.P. No.2, this Court is not inclined to accede to the prayer for anticipatory bail of the petitioner. Accordingly the same stands rejected.

10. However, if the petitioner surrenders before the court below, preferably within a period of six weeks from today, his prayer for bail shall be considered without being prejudiced by the order of this Court.

(Harish Kumar, J)

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