

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85154 of 2025

Arising Out of PS. Case No.-9 Year-2023 Thana- MAHILA P.S. District- Bhojpur

Anup Kumar Shah @ Anup Kumar S/o Akshay Kumar Shah R/o Village -
Chaugai, P.S - Murar, District - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Upadhyay D/o Sanjay Upadhyay R/o Village - Mainpura, P.S - Ara
Muffasil, District - Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bipin Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-03-2026 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Despite valid service of notice, nobody appears on
behalf of the informant/Opposite Party No. 2.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
504, 506, 498A and 34 of the Indian Penal Code and Section 3
and 4 of the Dowry Prohibition Act.

4. The prosecution case, in nutshell, is that marriage
of the informant was solemnized with this petitioner as per
Hindu rites and rituals. It is alleged that after marriage, all the
F.I.R. named accused persons, including this petitioner,



subjected the informant to torture and harassment due to non-fulfillment of demand of dowry and subsequently, ousted her from her matrimonial house.

5. It is submitted on behalf of petitioner that petitioner is quite innocent and has committed no offence. Petitioner has falsely been implicated in this case merely because happens to be husband of the informant and present case has been lodged due to petty family dispute. There are general and omnibus allegations. As a matter of fact, the petitioner at no point of time demanded any dowry or committed torture. It is further submitted that petitioner is ready to keep the informant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, learned counsel for the petitioner has relied upon a judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in **2006(3) PLJR 182**. Petitioner claims clean antecedents.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of petitioner.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory



bail to the petitioner is allowed.

8. Accordingly, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in connection with Mahila P.S. Case No. 09 of 2023, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

