

Court of District & Additional Sessions Judge XVI, Bhagalpur.

Present- Sandeep Singh

Anticipatory Bail Petition No. 551/2026

Arising out of Complaint Case No. 934/2022

U/S 498-A of IPC and Section 3/4 of D.P. Act

Sachin Kumar Jaiswal @ Rocky

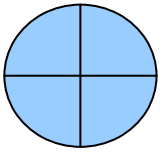
V/s

1. State

2. Arti Devi

Date	Order	Remarks
04.05.2026	(1) This anticipatory bail petition has been filed on behalf of petitioner viz. Sachin Kumar Jaiswal @ Rocky, aged about 33 years, son of Umesh Bhagat, resident of Birbanna, P.S. Antichak, District-Bhagalpur, who is apprehending his arrest in connection with Complaint Case No. 934/2022 in which summon has been directed to be issued for the offences U/S 498-A of IPC and Section 3/4 of D.P. Act. (2) Heard Sri Nawan Kumar, Ld. counsel for petitioner and Sri P.C. Rahi Id. APP for the State. (3) Prosecution's case, as contained in complaint case dated 13.06.2022, filed on behalf of complainant Arti Devi, in short is that, complainant was married to Accused No. 1 on 30/04/2017 according to Hindu customs with significant dowry given (Rs. 15 lakh including cash, gold, and household items). Within months, she faced continuous harassment and dowry demands of Rs. 2 lakh and a motorcycle. Upon refusal, she was subjected to physical and mental cruelty, including a brutal assault on 23/01/2018. Despite filing complaints, the accused influenced the process and forced her to withdraw cases. She endured repeated violence, forced abortions, and sexual abuse. Her family continued to meet demands under pressure. In 2022, she was again assaulted and driven out of her matrimonial home. While living with her parents, the accused trespassed, assaulted her and her family, attempted to abduct her child, and looted cash and jewellery. Due to police inaction, she filed the present complaint before the court. (4) Learned counsel for petitioner has submitted that, the petitioner not filed any regular or anticipatory bail petition before the learned Sessions Judge, Bhagalpur or before the Hon'ble High Court, Patna, except this Bail Petition. Further, he submits that there is one criminal antecedent of petitioner vide Kahalgaon P.S. Case No. 27/2018, U/S 341, 323, 504, 506, 379, 498-A/34 and Section 3/4 D.P. Act. Further he submits that the petitioner is innocent and he has been committed no offence as alleged in complaint petition and falsely implicated in this case due malicious prosecution. Further, he submits that all the allegations are ornamental and omnibus which is fabricated by complainant to grab the property of petitioner. Case and counter case between the parties. Further, he submits that petitioner will undertake they kept complainant full dignity and as family member. Further, he submits that the petitioner shall abide terms and conditions as per the law laid down U/S 482(2) of the B.N.S.S. Therefore, petitioner may kindly be granted anticipatory bail. (5) On the other hand, Id. APP has opposed the aforesaid prayer. (6) Heard both sides and perused the record. From which it transpires that vide order dated 16.04.2026 notice was directed to be issued to the complainant of this case for	
<u>Contd.</u> 04.05.2026		

D.A.S.J. XVI
04.05.2026



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her appearance before the court on this date. Photocopy of receipt filed on behalf of accused petitioner shows that notice has been issued to her. But she has not appeared before the court today. Since bail petition is required to be disposed of within a fixed time frame as per direction of Hon'ble High Court, therefore, instead of keeping the record pending for appearance of informant, record is taken up for final hearing and order.

(7) Heard both sides and perused the record. From which it transpires that, after inquiry Id. Trial Court has issued summon against the petitioner for the offences punishable U/S 498-A I.P.C. and Section 3/4 D.P. Act, which are non bailable and serious in nature. During the course of inquiry before the Id. Trial Court 03 inquiry witnesses have been examined on behalf of complainant and S.A. of complainant have also prima-facie supported allegation of complainant against the petitioner. Complainant are not present before the court. Id. Counsel on behalf of accused petitioner has submitted that accused-petitioner is ready to take bidayagi of informant and he will keep her with full dignity and honour as wife.

(7) In considering an anticipatory bail application, the Court must balance the liberty of the individual with the administration of justice. The factors ordinarily considered include the nature and gravity of the accusation, the severity of the punishment, the antecedents of the accused, the possibility of the accused fleeing from justice or tampering with witnesses or evidence, the requirement of custodial interrogation, and whether the investigation is complete. Where the offences are serious and non-bailable, there is no bar to granting anticipatory bail, but the grant must be on appropriate terms and after satisfaction on the above factors.

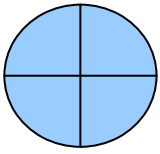
(8) Now when this Court applies the aforesaid settled principle of law governing anticipatory bail to the facts and materials available on record, it transpires that;

(i) **Nature of allegation:** The allegation against the petitioner relates to cruelty to wife and demand of dowry. It is alleged that the complainant was abused, assaulted and driven out of the matrimonial home with a demand of dowry. Such allegations attract Section 498-A I.P.C. and Sections 3/4 of the Dowry Prohibition Act. However, it is also relevant that the present case has been instituted on the basis of a complaint petition and not on an F.I.R.

(ii) **Materials on record:** The complainant in her solemn affirmation and the inquiry witnesses have broadly supported the allegations. At the same time, the record does not show any medical document or injury report supporting the allegation of serious physical assault. The materials collected at the stage of inquiry are preliminary in nature and are to be tested during trial.

(iii) **Role of the petitioner:** The petitioner is the husband of the complainant. Though he is a central figure in the matrimonial relationship, the materials on record do not show any specific act of grave assault or any distinct overt act

Contd.
04.05.2026



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Contd.

04.05.2026

attributable to him apart from general allegations.

(iv) **Antecedent:** The petitioner has one criminal antecedent of similar nature. However, antecedent alone is not sufficient to deny anticipatory bail when other factors are in favour of the petitioner.

(v) **Stage of the case:** The inquiry in the complaint case is complete and summons has already been issued. The offences alleged are not punishable with imprisonment for more than 7 years. As such, at this stage, custodial interrogation of the petitioner does not appear necessary.

(vi) **Nature of proceedings:** Since the case has proceeded through complaint and inquiry, and the petitioner has not been arrested during that stage, the requirement of custodial interrogation is minimal. The purpose of securing his presence can be achieved by imposing conditions.

(vii) **Overall consideration:** Considering the nature of allegations, the fact that the case arises out of matrimonial dispute, the general nature of accusations, absence of medical evidence of serious injury, completion of inquiry and the fact that custodial interrogation is not required, this Court finds it a fit case to extend the privilege of anticipatory bail to the petitioner.

(9) In the result, the prayer for anticipatory bail of the petitioner Sachin Kumar Jaiswal @ Rocky is hereby allowed.

(10) Accordingly, it is directed that, in the event of arrest or surrender before the Court within **30 days**, the petitioner **Sachin Kumar Jaiswal @ Rocky, son of Umesh Bhagat** shall be released on anticipatory bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bhagalpur, in connection with Complaint Case No. 934/2022, subject to the following conditions under Section 482(2) BNSS:

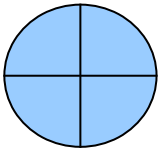
- i. The petitioner shall cooperate in the trial and shall be physically present before the Court as and when required by the Id. Trial Court.
- ii. The petitioner shall not induce, threaten or promise any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the police.
- iii. The petitioner shall not tamper with evidence in any manner.
- iv. The petitioner shall ensure that the complainant, upon returning to matrimonial home, is not subjected to any harassment or assault.
- v. The petitioner shall maintain peace and shall not involve himself in any offence of similar nature during the period of bail.

vi. **The petitioner shall file a written undertaking on affidavit before the learned S.D.J.M., Bhagalpur, stating that he shall keep the complainant with full dignity, honour, and safety in the matrimonial**

Contd.

04.05.2026

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Contd.
04.05.2026

home, and shall not subject her to any physical or mental cruelty or harassment.

vii. It is further directed that in the event the petitioner violates the aforesaid undertaking, and if the complainant files a written information/complaint before the learned trial court alleging any act of cruelty, harassment, or ill-treatment, then the bail bonds furnished by the petitioner shall stand automatically cancelled, without any further reference to this Court, and the learned trial court shall be at liberty to take him into custody in accordance with law.

viii. The petitioner shall furnish his mobile number, and email ID (if any) on the bail bond and shall keep the mobile number active and in case of change of his mobile number, and email ID (if any), the same shall be duly intimated to the Id. Trial Court.

(11) The observations made in the present bail petition order are for the purpose of deciding the present petition and do not affect the factual matrix of trial of the present case, which is separate issue as per law.

(12) O.C. is directed to send a copy of this order to the Id. Trial Court at once for compliance and needful.

(Dictated)

Sd/-

(Sandeep Singh)

D.A.S.J., XVI, Bhagalpur

04.05.2026

Date of Judgment/Order	04.05.2026
Date of reserving Judgment/Order	04.05.2026
Uploading Date	04.05.2026
Uploaded by	Vipin Kumar