

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VI, JAMUI

Anticipatory Bail Petition No. 1683 of year 2026

(Arising out of Complaint Case No. 985C/2024)

Purshotam Rawat @ Purshotam, S/o- Damodar Rawat @ Damodar Mahto

R/o:- Vill- Gohda, P.S.- Aryari, Distt.- Sheikhpura (Bihar) Petitioner

Versus

The State of Bihar

..... Opposite Party

For the petitioner : Ld. Counsel Sri Surendra Kumar Pandey, Advocate

For the informant : Ld. Counsel Sri Shiv Kumar Tanti, Advocate

For the State : Ld. Addl. P.P. Sri. Chigu Ravidas

**Present: Manoranjan Kumar Jha,
Additional Sessions Judge-VI, Jamui**

Dated: 22.05.2026

1. By way of this order the Anticipatory Bail Petition u/s 482 of B.N.S.S., 2023 filed by accused-petitioner, namely, **Purshotam Rawat @ Purshotam**, in connection with Complaint Case No. 985C/2024, U/s 115(2) & 85 of B.N.S. and Section 4 of D.P. Act, is hereby disposed of.
2. The case of the prosecution in brief is that the complainant-Anshu Kumari married to the accused-Purshotam Rawat on 12.05.2023, as per Hindu custom and there was exchange of gift. It is further alleged that after marriage, she went to her matrimonial home to start conjugal life and for the 2-3 months, everything was normal, but thereafter, her husband and his relatives started demanding Rs. 5 lakhs cash and one Bullet motorcycle as dowry and when demand was not fulfilled then they started to torture her which she informed to her parent. It is further alleged that when her father and others came to settle then the accused even abused and assaulted them.
3. It is submitted by the Ld. Counsel for the accused-petitioner that no other bail application has been filed either in this Ld. Court or the Hon'ble High Court Patna except to it.
4. It is further submitted by the Ld. Counsel of the petitioner that the petitioner is the husband of the complainant and is quite innocent and has committed no offence. The instant case is totally false, concocted and frivolous one and has been falsely implicated in this case. The petitioner has no any criminal antecedents. Further submitted that the petitioner has never demanded anything as dowry and as such no case is made out against the petitioner as alleged in the complaint petition. It is therefore prayed to grant Anticipatory bail to the petitioner.
5. On the other hand, Ld. Additional P.P. and Ld. Counsel for the informant opposed the bail and submitted to reject the same.
6. Heard both the sides and perused the material available on record. Perused the record. On perusal, it reflects that the Ld. Court below vide order dated 03.07.2025 taken cognizance under Section 115(2) and 85 of B.N.S. and Section 4 of D.P. Act against the accused-petitioner. It further reflects that the Ld. Court below had only issued summons for appearance of the accused.
7. It is mandate of law and a condition precedent that the person seeks pre-arrest bail must show apprehension of arrest. It is pertinent to mention here the mandate of law as explained by the Hon'ble Supreme Court of India in Special Leave of Appeal (Crl.) No. 16221/2025, vide its order dated 23.04.2026 as :-

"8. In a private complaint when cognizance is taken and process is issued all that the

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Court would do is to issue summons. We have explained many times in the past the purport of Section 87 of the Criminal Procedure Code, 1973 (for short, "the Cr.PC.") The Section 87 of the Cr.PC. reads thus:-

"87. Issue of warrant in lieu of, or in addition to, summons.—A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person, issue, after recording its reasons in writing, a warrant for his arrest-

(a) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons;

or

(b) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure."

9. Section 87 empowers the Court to issue warrant in lieu of, or in addition to, summons. However, this power has to be exercised only in two contingencies as explained by the provision itself, i.e., (a) and (b), referred to above, respectively.

10. Once the Court takes cognizance and issues summons, all that the accused has to do is to appear before that Court and join the proceedings. Why should the accused go before the Sessions Court or the High Court, as the case may be, and pray for anticipatory bail? Police has no power to arrest the accused in a complaint case unless there is a non bailable warrant issued by that Court along with the summons.

11. We may give one another simple illustration. Take a case wherein on a private complaint, the magistrate deems fit to take cognizance under Section 200 of the Cr.PC. but postpones the issue of process till the conclusion of the magisterial inquiry under Section 202 of the Cr.P.C. If a magistrate orders a Police inquiry under Section 202 and asks the police to give a report, then whether in the course of such inquiry, the police can arrest the accused. The answer is an emphatic "NO", Police has no powers to arrest even during the course of the inquiry under Section 202 of the Cr.PC.

12. The aforesaid aspects need to be kept in mind by the High Courts. Unnecessarily anticipatory bail applications are entertained and when rejected the litigants have to travel all the way upto the highest Court of this Country. We also remind the High Court that the direction issued that the petitioner should surrender and seek regular bail before the Court was also wholly without jurisdiction."

8. Considering the mandate of law as explained by Hon'ble apex Court and the fact that the Ld. Court below had only issued summons against the petitioner and as such this Court finds that there is no apprehension of arrest to the petitioner and accordingly the prayer of pre-arrest bail of petitioner- **Purshotam Rawat @ Purshotam** is hereby **disposed of as not maintainable**.

9. O/c to send a copy of this order along with Trial Court Record to the concerned Court, at once.

Sd/-

A.S.J-VI, Jamui

Dated:- 22.05.2026