

IN THE COURT OF SESSIONS JUDGE, MUNGER
ANTICIPATORY BAIL APPLICATION No.- 530/2026

Prema Devi @ Premlata Verma Vs. The State of Bihar and other
Complaint Case No. 661^C/2023

19.05.2026

1. The present anticipatory bail application has been preferred by petitioner **Prema Devi @ Premlata Verma**, w/o- Radheshyam Sonar, who is apprehending arrest in connection with Complaint Case No. 661^C/2023 u/s 498A of IPC and 3/4 of D.P Act., pending in the Court of Ld. S.D.J.M., Munger.

2. The complainant has alleged that her marriage with the co-accused Santosh Kumar was solemnized on 01.05.2022 thereafter she went to her matrimonial house where she was subjected to torture and cruelty by all the accused persons including the petitioner towards dowry demand of gold ornaments and a motorcycle. She further alleged that all the accused persons tried to kill her by sprinkling kerosene oil. Ultimately, she was ousted from her matrimonial house. Hence she preferred the present Complaint Case.

3. At the outset the Ld. Counsel for the petitioner has certified that previously no anticipatory or regular bail has been filed on behalf of the petitioner before this Court or before any other Court including the Hon'ble High Court. He also certified that **the petitioner has no criminal case pending against her**. The Ld. Counsel submits that the petitioner is innocent and has not committed any offence and further that they has been falsely implicated in the present case. That there are no specific allegations against the petitioner. That some of the co-accused persons have already been granted anticipatory bail by this Court vide order dated 29.05.2025 in ABA No. 472/2025 and ABA No. 426/2026. Therefore the Ld Counsel pleads that the petitioner be granted the privilege of pre-arrest bail.

4. The Ld. P.P. has opposed the prayer of anticipatory bail of the petitioner and submits that the processes u/s 82 of Cr.P.C. have already been

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directed against the petitioner.

5. Heard the submissions of respective Id. Counsels and perused the record of the case.

6. From perusal of the case record it seems that the cognizance in the case has been taken by the Trial Court. From the record it is apparent that the processes u/s 82 of Cr.P.C have already been directed against the petitioner.

7. It has been held in *re: Srikant Upadhyay & ors Vs State of Bihar & Anr 2024 INSC 202*:

“24. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may sometimes lead the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such

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orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

8. Therefore, considering that the processes u/s 82 of Cr.P.C have already been directed against the petitioner, in view of above cited judgment and in the totality of the facts and the circumstances of the case in my view this anticipatory bail petition is not maintainable and hence the same is hereby **Dismissed.**

Dictated

(ALOK GUPTA)
Sessions Judge, Munger
Dated:- 19.05.2026