

**IN THE COURT OF SESSIONS JUDGE, MUNGER**  
**ANTICIPATORY BAIL APPLICATION No.- 672/2026**

Shankar Das Vs. The State of Bihar  
Complaint Case No. 1028c/2021

**12.06.2026**

1. The present anticipatory bail application has been preferred by petitioner **Shankar Das**, s/o- Late Ramcharan Das who is apprehending arrest in connection with Complaint Case No. 1028c/2021 u/ss 498(A) of I.P.C. and 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 petitioner was solemnized on 16.05.2019 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 Rs. 1,00,000/-. She further alleged has her husband has an illicit relationship with other women. 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 antecedent.** The Ld. Counsel submits that the petitioner is innocent and has not committed any offence and further that he has been falsely implicated in the present case. That the petitioner is the senior citizen aged about 65 years. That the processes u/s 82 and 83 of Cr.P.C. have already been directed against the petitioner. That the cognizance in the case has already been taken by the Ld. Trial Court. 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 and 83 of Cr.P.C. have already been directed against the petitioner.

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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 petitioner is the senior citizen aged about 65 years. That the cognizance in the case has been taken by the Id. Trial Court and that the processes u/s 82 and 83 of Cr.P.C have been directed qua the petitioner and other co-accused in the case.

7. It is noted that 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*

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*freedom of an individual against unwarranted arrest  
and we say that such 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 processes u/s 82 and 83 of Cr.P.C have already been directed against the petitioner, the nature of allegations, the totality of the facts and circumstances of the case and in light of the above cited judgment, in my view the present petition for grant of anticipatory bail is not maintainable and hence, the same is hereby **Dismissed**.

**Dictated**

**(ALOK GUPTA)**  
**Sessions Judge, Munger**  
**Dated:- 12.06.2026**