

**IN THE COURT OF ADDL. SESSIONS JUDGE-IV, DANAPUR**

**Anticipatory Bail Petition No. 2795 of 2025 (Danapur P.S. Case No. 332/2018)**

1. Mritunjay Kumar, aged abt. 51 years, s/o Late Dashrath Mahto,
2. Smt. Kanchan Kumari, aged abt. 42 years, w/o- Mritunjay Kumar,  
Both are r/o Bari Pahari, P.S. Agamkuan, Distt. Patna.  
..... Petitioners

Vs.

The State of Bihar .....O.P.

Lawyer for the accused; Sri Vijay Kumar Sinha (Adv.)

Lawyer for the State; Sri Kalam Ansari (Addl. P.P.),

**Present: - Naghma Tarannum Addl. Sessions Judge-04, Danapur**

**ORDER**

12.03.2026	<ol style="list-style-type: none"><li>1. The present application has been preferred on behalf of the petitioners named above, apprehending their arrest in connection with Danapur P.S. Case No. 332 of 2018, registered for the offences punishable under Sections 323,379,504 and 498A of IPC and u/s <math>\frac{3}{4}</math> Dowry Prohibition Act.</li><li>2. The prosecution story is that, a complaint Case bearing No. 438(C) of 2018 dated 04.05.2018 was filed on behalf of the complainant, Manish Bharti, in the Court of ACJM 1<sup>st</sup> Danapur, which was referred by the Ld. ACJM 1<sup>st</sup> Danapur, to SHO Danapur Police Station u/s 156(3) of CrPC, upon which Danapur P.S. Case No. 332 of 2018 dated 01.06.2018 was registered against altogether five accused persons including these two petitioners for the offence u/s 323,379, 504 and 498A of IPC and also u/s <math>\frac{3}{4}</math> DP Act. Upon completion of investigation the Police filed Charge sheet No. 861/2023 dated 12.07.2023 against three accused persons namely (1) Prithvi Chandra Chauhan , (2) Mritunjay Kumar and (3) Kanchan Kumari upon which the Ld. ACJM 1<sup>st</sup> Danapur, took cognizance of offence vide order dated 11.09.2023 against all the three charge sheeted accused persons under the aforesaid sections and transferred the case to the Ld. S.D.J.M. Danapur, for trial and disposal. The Ld. SDJM has issued summons against the accused persons. Thus, apprehending their arrests, the petitioners have preferred the present anticipatory bail.</li><li>3. The Learned counsel for the petitioners submits that the petitioners are innocent, have committed no offence and</li></ol>	Contd.
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<p>Contd. 12.03.2026</p>	<p>have been falsely implicated. Three petitioners are the brother and Bhabhi of the complainant's husband, therefore have no connection in any manner in the matrimonial disputes between the husband and wife. Entire allegations of assault and cruelty are quite vague an omnibus. It is further contended that, the petitioners were served notice u/s 41(A) of CrPC by the investigating officer, and they have cooperated the investigation in all the ways as were required. They are ready to abide by any condition imposed by this Court. Hence pray to be enlarged on bail.</p> <p>4. Per contra, learned Additional Public Prosecutor has strongly opposed the prayer for bail. It is submitted that the allegation against the petitioners are very serious in nature, therefore do not deserve any leniency.</p> <p>5. This Court is conscious that anticipatory bail is a discretionary relief to be granted on judicious consideration of the nature of accusations, the necessity of custodial interrogation, likelihood of tampering with evidence, influencing witnesses, and the overall interests of justice.</p> <p>6. In cases relating to matrimonial/cruelty allegations, the Hon'ble Supreme Court in <i>Arnesh Kumar v. State of Bihar</i>, (2014), cautioned against unnecessary arrests and emphasized adherence to statutory safeguards and the requirement that arrest must be justified by necessity.</p> <p>7. In <b>Satender Kumar Antil v. Central Bureau of Investigation &amp; Anr (2022)</b>, the Hon'ble Supreme Court has emphasised that arrest should not be made in a routine manner and that liberty is to be preserved unless custodial interrogation is imperative. Similarly, in <b>Md.Asfak Alam v. State of Jharkhand &amp; Anr (2023)</b>, the Hon'ble Supreme Court reiterated that in cases where the accused is cooperating and the offences are not heinous, bail should ordinarily be granted. In <i>Sushila Aggarwal v. State (NCT of Delhi)</i>, (2020), the Hon'ble Supreme Court</p>	<p>Contd.</p>
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<p>Contd. 12.03.2026</p>	<p>clarified that anticipatory bail can be granted with appropriate conditions and need not be time-bound in all cases.</p> <p>8. Accordingly, in the event of arrest or surrender before the court below within a period of six weeks from today, the petitioner, (1) Mritunjay Kumar, and (2) Smt. Kanchan Kumari, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned court below, in connection with Danapur P.S. Case No. 332 of 2018, subject to the conditions as laid down under Section 482 BNSS, and further conditions that:</p> <p>9. (i) The petitioners shall cooperate with the trial. (ii) The petitioners shall not directly or indirectly induce, threaten or promise any person acquainted with the facts of the case. (iv) In case of violation of any of the conditions, the prosecution shall be at liberty to move for cancellation of bail.</p> <p>10. It is made clear that any observation made herein is only for the purpose of disposal of the present anticipatory bail application and shall not prejudice the trial on merits.</p> <p>11. Let a copy of this order be transmitted to the court concerned forthwith.</p> <p style="text-align: right;"><b>(Naghma Tarannum)</b> Addl. Sessions Judge-IV, Danapur</p>	
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