

**IN THE COURT OF 01<sup>st</sup> DISTRICT & ADDL. SESSIONS JUDGE**

**ROHTAS AT SASARAM**

**ANTICIPATORY BAIL PETITION NO. 550 of 2026**

**Arising out of Rohtas P.s. Case No. 48 of 2026**

**Under section 115(2), 126(2), 352, 88, 85, 3(5) of Bharatiya Nyaya Sanhita,2023 & Section 3, 4 of the Dowry Prohibition Act, 1961.**

**IN THE MATTER OF:-**

**Rahul Kumar**, Aged about 33 years

S/o- Jeetendra Kumar

R/o Village :- Baradhigola, P.S. Akdodhigola, District - Rohtas

..... Petitioner.

Versus

The State of Bihar

.....

Opposite Party.

For the Petitioners : Mr. Nityanand Pandey, Ld. Advocate.

For the O. P. (State) : Mr. Upendra Kumar, Ld. P.P.

**ORDER**

**16.04.2026** This **pre-arrest bail** has been preferred u/s 482 of Bharatiya Suraksha Nagrik Sanhita, 2023 (438 Cr.P.C.) on behalf of the above noted accused apprehension of arrest in connection with Rohtas P.s. Case No. - 48 of 2026 for the offence under section 115(2), 126(2), 352, 88, 85, 3(5) of Bharatiya Nyaya Sanhita,2023 & Section 3, 4 of the Dowry Prohibition Act 1961. The parties have already been heard. The matter is posted today for order. The order follows:-

The learned counsel for petitioner/accused reading out the contents of F.I.R., has submitted that the petitioner is the husband of the informant and which is quite innocent and have committed no offence as alleged in the F.I.R. and the allegations leveled against the petitioners are purely vague and omnibus in nature lacking any specific date, time or instance of the alleged occurrence and the petitioner and his elderly parents have been falsely implicated in this present case with an oblique motive to harass and humiliate the entire family and this F.I.R. is a clear counter-blast to the matrimonial(divorce) case no. 192 of 2025 filed by the petitioner on dated 09.05.2025 and this criminal case was filed after a huge delay of nine months to harass and humiliate the petitioner and his parents. He further added that there is an un-explained delay of about 20 months from the time and the informant left her matrimonial home(June, 2024) to the lodging of the F.I.R. (16.02.2026) suggesting a manufactured and after-thought narratives. He further added that the informant suffers from a severe mental disorder(psychosis) for which she was treated by eminent doctors and he history of suicidal acts (e.g. consuming harpic) was already detailed in the prior divorce petition. He further submitted that the allegation regarding the "Mount Abu Rajasthan incident" against the petitioner's son rahul kumar is patently absurd as forcing a person who admittedly does not know how to drive to operate a scooty on a hilly track is logically impossible. He further added that there is no medical or injury report to support the grave charge of "forced abortion" proving the allegation is a figment of imagination and all sections are bailable except 85 B.N.S.,2023 and 3/4 of Dowry Prohibition Act which are not applicable. He further submitted that petitioner is ready to obey all conditions as laid down under section 482(2) of the B.N.S.S.,2023 and the petitioner is men of means so no question arises

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**Continued....**

**16.04.2026**

regarding their absconding or tampering with the evidence and is ready to furnish the bail bonds and sureties to the satisfaction of the Id. Court and prayed to enlarge the petitioner on pre-arrest bail.

Per contra, the Ld. P.P appearing for the State has opposed the prayer for pre- arrest bail submitting that the allegation is direct against the accused /petitioner and serious in nature. Hence, prayed to reject it.

After cogitating over the contents, so raised by the Ld. Counsel for the parties, it goes to appear from the perusal of the record including the case diary that the case has been filed under section 115(2), 126(2), 352, 88, 85, 3(5) of Bharatiya Nyaya Sanhita,2023 & Section 3/4 of the Dowry Prohibition Act 1961 against the petitioner and the other in-laws of the victim on 16.02.2026 showing the commencement of ill-treatment since 02.05.2022 on the date informant/alleged victim has been shown to enter in wedlock with the petitioner. At one hand it appears from the contents of the F.I.R. that the demand of dowry became the bone of contention between the parties and as such deteriorated the nuptial relation among one another and the victim conceived during her abode at her matrimonial home and at the other hand the contents of the diary spell that it was the petitioner/accused who had accompanied the victim to Mount Abu, Rajasthan where he asked the informant Kajal Kumari to drive the scooty while she did not know the driving of the vehicle and the petitioner side has also tried to press upon by filing the certain photocopies of the medical prescriptions that the informant/victim is not mentally fit to handle the conjugal affairs. During the course of hearing, it has been appeared that both the victim and the petitioner are well educated and the petitioner himself is working in Ahmedabad Metro Rail Project and is earning hand some salary which depicts that there is hardly any issue of financial distress between the parties. It is add worthy that both parties lived together for significant period of time resulted into pregnancy of the victim and the case as such came in picture showing the date of marriage as the commencement of ill-treatment, not before 16.02.2026 about three and half years from the day they tied the knot. The journey as such trickles down that there are certain ill-will and the parties are not disclosing the fact and shaping the things detached with each other and it may be because of their youngness. The issue of ailment of any sort should never be the basis to part with each other. In such state of the facts bearing in mind as both the petitioner and the victim are well read so they will think over again on the issue and endeavour to revive their marital life and it is they who can vanish such uneven spots on part of their life. In given contents of the facts, it hardly appears to be a case where rejection of anticipatory bail is only way to get the issues resolved and giving the opportunity to the petitioner side, the pre-arrest bail prayer is permitted on furnishing bail bonds worth of Rs. 10,000/- with two sureties each with the like amount, in the event of his arrest or surrender, before the Court in seisin of original record, within a period of fortnight with further condition to be under taken at the time of furnishing of bail bonds u/s 482 (2) of B.N.S.S., 2023. It

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appears repeat worthy that this is a chance being afforded to the petitioner side to utilize and save his marital life because going away from the life partner, who is keen on to embrace the revival of marital life, and he is duty bound to settle the issues which have been emerged, forgetting the things occurred, in past and pass the test of marital compete which sometimes happen owing to hostile environment etc., is hardly a right way. Furthermore, the Ld. Trial Court is required to monitor the issue during the trial if it thinks that any stern step is required it may be proceed after hearing the parties in the interest of justice and in accordance with law. Accordingly the prayer for pre-arrest bail is disposed off.

(Dictated)

**(Illegible)**

(Pankaj Mishra)

1<sup>st</sup> District & Additional Sessions Judge,  
Rohtas at Sasaram  
16.04.2026