

In the Court of Sessions Judge, Supaul
A.B.A.-570/2026
(Arising out of Complaint Case No:-05C/2024)

	1. Ashish Kumar @ Roshan Kumar, S/o- Mahendra Das; 2. Mahendra Das, S/o- Baldev Das; 3. Malti Devi, W/o- Mahendra Das, All R/o- Gamhariya, Ward No.01, PO+PS- Gamhariya, District-Madhepura; Accused/Petitioners Vs. State of Bihar.O.P.	
<u>05/05/2026</u>	Ld. Counsel for petitioners Sri. Santosh Suman, Advocate. Ld. APP Sri. J.N.Pandey, for the State. Ld. Counsel for complainant Sri. Rajendra Prasad Yadav, Advocate. By this order we are going to dispose off the anticipatory bail application filed on behalf of accused/ petitioners, namely 1. Ashish Kumar @ Roshan Kumar, 2. Mahendra Das and 3. Malti Devi, who are apprehending their arrest in Complaint Case No.:–05C/2024, u/s- 341, 323, 504, 498(A) of IPC & Section 3/4 of D.P.Act. Ld. counsel for the accused/ petitioner argued that accused/ petitioners are quite innocent and have committed no crime and they have falsely been implicated in this case due to dirty village politics. He further submitted that accused/ petitioners have not involved in any other criminal cases and having the clean antecedent. He further submitted that the offence u/s- 498(A) of IPC & 3/ 4 D.P.Act is not applicable against the accused/ petitioners. It is also submitted that accused/ petitioners are ready to abide by the provisions of section 482 of B.N.S.S, so they may be admitted to the anticipatory bail. Ld. PP for the State strongly opposed the anticipatory bail application. In brief, the prosecution story is that a complaint case was filed by the complainant, namely Ruchi Kumari against 3 accused persons, the petitioners herein, who are the husband, father-in-law and mother-in-law of the complainant. As per the statement of complainant that her marriage was solemnized with accused/ petitioner No.1 Ashish Kumar @ Roshan Kumar on 06.03.2026 and after 15 days of her marriage, she returned back to her parental home and after one year when she gone to her matrimonial home then the family members of her matrimonial home have demanded the dowry of Rs.2 lakh and due to non-fulfillment of the said demand, they were started torturing her. The complainant further alleged that she also blessed by two children and on 29.12.2023 she was	Contd.

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<u>Contd.</u> <u>05/05/2026</u>	thrown out from her matrimonial home. Argument heard from both sides and perused the record. On perusal of the record, it transpires that in this case, the complainant also examined other witnesses and on that basis of above-said material, the Ld. Magistrate has taken cognizance against these accused/ petitioners, under Section 341, 323, 504, 498(A) of IPC and 3/4 D.P Act. The allegation against the accused/ petitioners are general in nature. The case revolves on complaint petition and the cognizance has already been taken by the Ld. Magistrate and there is no any custodial interrogation is required. Hence, as per the <i>Ratio laid-down</i> by the Hon'ble Supreme Court in case of "Satendra Kumar Antil Vs. CBI" and our own Hon'ble High Court, Patna in case of "Naushad Ansari Vs. The State of Bihar", I find that all the accused/ petitioners are entitled to get the benefit of anticipatory bail. Therefore, the prayer for anticipatory bail of all the accused/ petitioners stands Allowed and in the event of their arrest or surrender before the court within 15 days from the date of receipt of a copy of this order, petitioners are directed to be released on furnishing bail bonds of Rs.20,000/- each with two sureties of like amount each to the satisfaction of Learned Court below with condition that they shall abide by all the conditions laid down in section 482 of B.N.S.S and one of the bailor must be family member or close relative. Dictated -Sd- (Anant Singh) Sessions Judge, Supaul	
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