

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46673 of 2023

Arising Out of PS. Case No.-721 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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DEVENDRA KUMAR @ DEVENDRA KUMAR GOND @ DEVENDAR
KUMAR GOND Son of Baidyanath Gond Resident of village - Bharpatiya,
P.S. - Bhore, Distt. - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rani Kumari Wife of Devendra Kumar @ Devendra Kumar Gond @
Devendar Kumar Gond Resident of village - Bharpatiya, P.S. - Bhore, Distt.
- Gopalganj, Presently as D/o Raghunath Gond, Resident of village -
Mairwa, P.S. - Mairwa, Distt. - Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5
For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 721 of 2022, for the
offence punishable under Sections 498 A and 406 of the Indian
Penal Code read with Section 3/4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case, wherein, there
is alleged cruelty and mistreatment for non-fulfillment of
demand for dowry. The falsity is evident from the fact that the
complain petition is preceded by an incident dated 17.01.2022,



when the complainant had abandoned the matrimonial home without any intimation to anyone, regarding which, an information was lodged to the Officer In-charge Bhore Police Station by the petitioner and the complainant's father. Copy of the same is Annexure 3 to the bail petition. Thereafter, the petitioner and his family were subjected to assault by unknown persons for having objected to her abandoning the matrimonial home. In support of this occurrence also, he has annexed an information dated 11.04.2022 given to the Officer In-Charge, Bhorey Police Station along with injury report.

4. When the complainant left the matrimonial home on 11.04.2022, along with her father, he has given in writing (Annexure 5) that he is taking the complainant with the hope that she would be resuming matrimonial relationship with the present petitioner and reside at her matrimonial home. However, the complainant thereafter has lodged the instant false complaint case. Falsity of the allegations are apparent when considered keeping in background Annexure 5 of this application.

5. Today, in these proceedings, learned counsel for the complainant submits that the complainant is more than willing to reside with the petitioner and is also willing to file an undertaking that henceforward she shall not abandon or flee-



away from the petitioner or her matrimonial home as now she has also been blessed with a son. Since there is no resistance or objection from the petitioner's side, it would be open to the complainant to resume matrimonial relationship with the petitioner.

6. Learned APP for the State has opposed the prayer for pre-arrest bail.

7. Considering the rival submissions, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Gopalganj, in connection with Complaint Case No. 721 of 2022 , subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving



genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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