

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48895 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- MAHILA P.S. District- Nalanda

Udal Kumar, Son of Mohan Bind, Resident of Village - Beldari Chak, P.S.-
Gauri Chak, District – Patna. Petitioner

Versus

1. The State of Bihar
2. Manisha Devi, Wife of Udal Kumar, Daughter of Shyam Sundar Pd., R/o
vill.- Ramsang, P.S.- Harnaut, Distt.- Nalanda Opposite Parties

Appearance :

For the Petitioner/s	:	Ms. Rekha Prasad, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP
For the O.P. No. 2	:	Mr. Rajiv Kumar, Advocate Mr. Amit Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 16-05-2023

Learned counsel for the petitioner undertakes to remove
the S.R. defects within two weeks after summer vacation.

Heard learned counsel for the petitioner, learned counsel
for the informant-opposite party no. 2 and learned APP for the
State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Mahila P.S. Case No. 03 of 2022 registered
for the offences punishable under Sections 498A, 494, 341, 323,
504/34 of the Indian Penal Code read with Section 3/4 of the
Dowry Prohibition Act. He has got no criminal antecedent.

As per the prosecution story, the informant was married
to this petitioner on 19.04.2019 as per Hindu rituals and customs at
Hilsa Dham Mandir and at the time of marriage, her father had
gave Rs.4,00,000/- cash and some gift items to the family of the



petitioner. Despite that, the in-laws and the husband of the informant started demanding Rs.1,00,000/- and a motorcycle. After some time, the family of the petitioner started assaulting the informant even when the informant was pregnant. In the month of April, 2021, they ousted the informant from her matrimonial house where she gave birth to a male child who died due to lack of treatment. The petitioner also performed a second marriage and never appeared before the competent court for settlement.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case, however, to show his bonafides the petitioner is ready to pay Rs.2,000/- per month to the opposite party no. 2.

Learned counsel for the informant and learned APP for the State have opposed the anticipatory bail of the petitioner. It is submitted that the petitioner has solemnized another marriage and the mediation between the parties has failed.

Having regard to the facts and circumstances of the case wherein the mediation between the parties has failed, in the nature of the disputes and the allegation against the petitioner that he has solemnized a second marriage, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Mahila P.S. Case No. 03 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of learned S.D.J.M., Nalanda, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition that subject to an appropriate order by a competent court of law or an amicable settlement between the parties which is said to be going on, the petitioner shall pay a sum of Rs.2,000/- per month to opposite party no. 2 payable by 10th day of every month, failing which the opposite party no. 2 may file an application in this Court showing breach of condition and for that reason cancellation of the privilege of anticipatory bail.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--

