

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55113 of 2023

Arising Out of PS. Case No.-613 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Pappu Kumar Rai, Son of Ramu Raut @ Ramu Rai, R/o Vill - Lagunia
Suryakanth Korbatha, Ward No. 4, P.S. - Samastipur Muffasil, Distt. -
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari @ Kajal Kumari Wife of Pappu Kumar Rai R/o Vill - Lagunia
Suryakanth Korbatha Ward No. 4, Dhobia Tola 50, No. Gumti P.S. -
Samastipur Muffasil, Dist. - Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar
For the Opposite Party/s : Ms. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-08-2023 Heard the learned counsel for the petitioner and

the State.

2. The petitioner seeks bail, apprehending his

arrest, in connection with C.R. No. 613 of 2021 / Tr. No.

2580 of 2022, registered for the offences punishable under

Sections 498A of the Indian Penal Code.

3. The prosecution case as emerges from the

F.I.R. is that the marriage of the complainant, namely, Pinki

Kumari @ Kajal Kumari was solemnized with the petitioner

according to Hindu rites and customs on 18.06.2013. After



some times, the husband and his family members started torturing her for non-fulfillment of illegal demand of dowry, and ultimately they ousted her from her matrimonial house.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that unfortunately marriage is not working and matrimonial discord has developed. He further submits that the petitioner has preferred matrimonial petition for restitution of conjugal right before Family Court under Section 9 of the Hindu Marriage Act on 01.03.2021. Subsequently, the present false complaint has been filed on 08.04.2023 giving colour of criminality to the matrimonial dispute. He further submits that the allegation against the petitioner is general and omnibus in nature. There is no specific instance of alleged cruelty and there is no allegation of any violence against the petitioner.

5. It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before the Hon'ble Apex



Court.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M.-II, Samastipur, in connection with C.R. No. 613 of 2021/Tr. No. 2580 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The application stands allowed accordingly.

10. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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