

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27359 of 2024

Arising Out of PS. Case No.-576 Year-2023 Thana- MAHUA District- Vaishali

Mintu Kumar @ Mantu Singh Son Of Rampreet Singh, Resident Of Village -
Nijhma, P.O. And P.S. - Mahua, District - Vaishali, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prakash Chandra, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Prakash Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-05-2024 Heard Ld. counsel for the petitioner and

Ld. APP for the State as well as Ld. counsel for the informant.

2. The petitioner apprehends his arrest in connection with Mahua P.S. Case No. 576 of 2023 dated 25.08.2023, registered for the offences punishable under Sections 341, 323, 498A, 504, 506/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. As per the prosecution case, there is allegation of demand of dowry of Rs.5,00,000/- against the petitioner and other co-accused persons and on account of non-fulfillment of the said demand, the petitioner along with other co-accused persons started assaulting and torturing her. Lastly on 24.06.2023 all the accused persons snatched all her “*Stridhan*”, money and ousted the informant from her matrimonial home.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that the falsity of the case also emerges from the fact that all the family members have been implicated by the informant-wife and from the whole F.I.R. nowhere there is allegation of physical violence to the informant, at most it appears to be failed marriage and it is a case of demand of dowry. He further submits that the maximum punishment for the alleged offence is three years.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

7. However, Ld. APP for the State and Ld. counsel for the informant oppose the prayer of the petitioner for bail submitting that the informant has been subjected to torture on account of non-fulfillment of demand of dowry. They also submit that the informant-wife wants to live with the petitioner-husband but he is not keeping her along with him in the matrimonial home.

8. Considering the aforesaid facts and circumstances of the case, this application is allowed, directing the petitioner



above named, to be enlarged on bail in the event of his arrest or surrender before Ld. trial court 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 Ld. Judicial Magistrate-Ist Class, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 576 of 2023, 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 Ld. trial court that the petitioner has any criminal antecedent, Ld. trial court 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 Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial court shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

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