

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27366 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Rakesh Kumar S/o Bharat Sah R/o Village- Hatiya, P.S- Karakat, Distt.-
Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/o Rakesh Kumar, D/o Dhaneshwar Sah @ Dhanji Sah R/o
Budhwal, P.S- Karakat, Distt.- Rohtas.

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate
For the Informant : Mr. Arvind Kumar Singh, Advocate
For the State : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2. The petitioner seeks bail, apprehending his arrest,
in connection with Compliant Case No. 416 of 2023, registered
for the offences punishable under Section 498A of the Indian
Penal Code.

3. There is allegation of demand of dowry of a ‘Bullet
Motorcycle’ against the Petitioner and due to non-fulfillment of
the said demand, the Petitioner and his family members ousted
the complainant after assaulting and snatching her belongings.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case on account of failed marriage. The falsity of the criminal complaint also emerges from the fact that not only the husband-petitioner but also the father-in-law, Sister-in-law and husband of the Sister-in-law have been made accused in this case. He further submits that there is no proof of any physical violence committed to the Informant. At most, as per the prosecution case, it is a case of demand of dowry. He further submits that the maximum punishment for the alleged offence is three years.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, finding no proof in support of physical violation, **this petition is allowed**, directing the petitioner, above-named, to be enlarged 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 Ld. A.C.J.M.-I, Bikramganj, Rohtas, in connection with Compliant Case No. 416 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 the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

Chandan/
shailendra-

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