

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29205 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Rajiv Kumar @ Rajeev Kumar S/o Late Major Ramnath Ram R/o B-402,
Emerald Heights, opposite R.P.S. Savana, Sector 88, Badshapur(140),
Faridabad, Haryana.121002

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari R/o Mohalla Premchand Path, Gaurakshni, Ward no 14,
Sasaram, Distt- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar, Advocate Mr. Saurabh Kumar, Advocate
For the Informant	:	Mr. Rajanikant Pandey, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, 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 Rohtas Sasaram Complaint Case No.-162 of
2023, registered for the offences punishable under Sections
498A, 406, 420, 120B of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is
that there is allegation of demand of dowry and torturing against
the Petitioner. It is alleged that the accused persons including
the Petitioner ousted the complainant from her matrimonial
home after assaulting and snatching her all 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. He further submits that the Complainant is 25 years of age whereas the Husband-Petitioner is 52 years of age. Marriage is not working, and hence this false complaint. He further submits that there is no specific allegation in terms of date, place, time and nature of the injury against the Petitioner. He further submits that no proof of any injury has been filed by the complainant along with her complaint. The complaint filed is only intended to harass the Petitioner and his mother on account of failed marriage.

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. Counsel for the Informant and Ld. APP for the State oppose the prayer of the Petitioner for bail stating that as per the complaint there is no specific allegation against the Petitioner of torturing on account of non-fulfillment of demand of dowry. However, Ld. Counsel for the complainant further submits that she is ready to live with her husband-Petitioner but he is not taking her in her matrimonial home.



8. Considering the aforesaid facts and circumstances, **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. C.J.M., Sasaram, Rohtas, in connection with Rohtas Sasaram Complaint Case No.-162 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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