

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29243 of 2024

Arising Out of PS. Case No.-930 Year-2023 Thana- KHAGARIA District- Khagaria

Navin Kumar Son of Ratandeo Prasad Residen tof Villgae- mohammadpur,
Bishanpur, Ward No. 38, Post- Mirzapur Bhanduar, P.S.- Begusarai Sadar,
Dist.- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari D/o Mr. Arbind Kumar Gupta Resident of Mohalla- Hazipur
Kisti Kothi, Ward No. 19, P.S. and Dist.- Khagaria, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Jha, Advocate
For the State	:	Mr. Nand Kumar, APP

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 Khagadia P. S. Case No.-930 of 2023,
registered for the offences punishable under Sections
498(A)/494/34 of the Indian Penal Code and ¾ of the Dowry
Prohibition Act.

3. The prosecution case as emerges from the FIR is
that the marriage of the informant, Puja Kumari was solemnized
with Navin Kumar according to Hindu Rites and Customs. After
some time the Husband and his family members started
demanding Rs. 10,00,000/- as dowry. Thereafter, it is alleged



that when the informant went to Bangalore to live with his husband, her husband tortured her physically and mentally.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. In fact, this is a case of failed marriage because the Petitioner-Husband is a software engineer in a private company and Informant-Wife is a State Bank employee. Hence, the marriage is not working and even divorce petition has been filed by Husband-Petitioner in a family Court, Bangaluru where he is working as a software professional. He further submits that there is no allegation or proof of physical violence to the Informant-Wife. This case has been filed only to harass the Petitioner to put pressure upon the Petitioner. 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, **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. Chief Judicial Magistrate, Sheikhpura, in connection with Khagadia P. S. Case No.-930 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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