

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34702 of 2024

Arising Out of PS. Case No.-327 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Jitendra Kumar @ Jitendra Rai, Son of Shri Ramnagina Singh @ Ramnagina Rai, Resident of Behind Vishal Mega Mart, Ramnagar, Gola Road, P.S.- Danapur, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gyanti Devi, Daughter of Late Mohan Rai, Resident of Chitnawa, P.S.- Maner, P.O.- Dadupur, District- Patna, Pincode- 801503

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No. 327(c) of 2021 for the alleged offences under Sections 494, 498(A), 389, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, marriage of the complainant was solemnized with the petitioner about 22 years ago and the complainant was driven out from her matrimonial home on account of non-fulfillment of dowry demand and the petitioner solemnized second marriage.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The marriage of the petitioner was not solemnized with the complainant and this fact is apparent from the complaint petition itself as no date of marriage is mentioned in the complaint petition. Though the marriage of the petitioner was being fixed with the complainant and when it came to the knowledge that the complainant was a transgender, the marriage was not performed. Thereafter, the petitioner got married with Sunita Devi in the year 2002 and out of the said wedlock, they have three children aged about 17 years, 14 years and 10 years, respectively. The entire story is fabricated by the complainant to extort the money from the petitioner. For this reason, she has not appeared before this Court despite notices being sent to her and she is not staying even at her parental home. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubt over the marriage of the petitioner and further considering the lapse of time in making the complaint and also considering the clean antecedent of the petitioner coupled with possibility of



false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Danapur, Patna/ court concerned, in connection with Complaint Case No. 327(c) of 2021, subject to the condition laid down under section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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