

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30738 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- DARIHAT District- Rohtas

Abhay Kumar Sagar Son Of Bhagwan Prasad Resident Of Village -BERKAP,
P.S. - Darihat, District - Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Devi @ Archana Kumari Wife Of Abhay Kumar Sagar, Resident Of Village -BERKAP, P.S. - Darihat, District - Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhumay Madhup, Advocate Mr. Nishant Kumar, Advocate Mr. Aditya Raj, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-05-2024 Heard Ld. counsel for the petitioner and

Ld. APP for the State.

2. The petitioner apprehends his arrest in connection with Darihat P.S. Case No. 193 of 2023 dated 08.11.2023, registered for the offences punishable under Section 498A of the Indian Penal Code and Section $\frac{3}{4}$ 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, torturing and gave threat not to keep her (informant).



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that in fact it is a case of failed marriage and informant-wife is not willing to live with the petitioner-husband. Even Matrimonial Petition under Section 9 of the Hindu Marriage Act has been filed by the petitioner-husband before the Family Court for restitution of conjugal life but the informant is not attending the Court. He further submits that Ld. Additional Sessions Judge while hearing the anticipatory bail petition of the petitioner has disposed of his anticipatory bail directing the parties to enter into compromise and appear in person in the Court of Ld. Magistrate for regular bail. He further submits that the informant-wife is not entering into any compromise and hence, petitioner has approached this Court for anticipatory bail.

5. Ld. counsel further submits that allegation against the petitioner is omnibus and general in nature. There is no specific allegation of physical violence to the informant. In fact it is a case of matrimonial discord and the informant-wife should attend the matrimonial petition filed by the petitioner-husband before the Family Court.

6. It has also been stated in paragraph no.3 of the bail



petition that the petitioner has one criminal antecedent.

7. 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.

8. However, Ld. APP for the State opposes the prayer of the petitioner for anticipatory bail.

9. 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, Dehri, Rohtas, in connection with Darihat P.S. Case No. 193 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.)

ravishankar/S.Ali

U		T	
---	--	---	--

