

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30751 of 2024

Arising Out of PS. Case No.-197 Year-2023 Thana- RASULPUR District- Saran

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Vijay Kumar Prasad Son Of Harendra Prasad Resident Of Village- Bhatkuiya
Barauli, P.S.- Barauli, Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari Wife Of Vijay Kumar Prasad, Daughter Of Shivji Prasad
Resident Of Village- Bhatkuiya Barauli, P.S.- Barauli, Dist-Gopalganj. At
Present Residing At Village - Chanchaura, P.S.- Rasulpur, Dist- Saran At
Chapra

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dewendra Narayan Singh, Advocate
For the State	:	Md. Nazir Ansari, APP
For the Informant	:	Mr. Ramesh Kumar Chaudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

Ld. APP for the State as well as Ld. counsel for the informant.

2. The petitioner apprehends his arrest in connection
with Rasulpur P.S. Case No. 197 of 2023 dated 06.08.2023,
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.3,00,000/- 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 and torturing her.



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 this case has been filed on account of matrimonial discord. He further submits that petitioner is ready for divorce and full and final settlement with the informant-wife. He also submits that in the F.I.R. the allegation is omnibus and general in nature and there is no allegation of physical violence to the informant, and maximum punishment for the alleged offence is three years.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

6. 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.

7. However, Ld. APP for the State and Ld. counsel for the informant oppose the prayer of the petitioner for bail submitting that the informant is willing to live with the petitioner-husband but he is not keeping her in his matrimonial house. He also submits that Ld. Sessions Court while hearing anticipatory bail petition has directed the petitioner-husband to keep his wife but despite such direction, he is not keeping his



wife in her matrimonial home.

8. As per the facts and circumstances of the case, it appears that it is a case of failed marriage and the parties are better advised to approach Family Court to settle their disputes and take steps as per Hindu Marriage Act.

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, Saran at Chapra, in connection with Rasulpur P.S. Case No. 197 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.)

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