

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32601 of 2024

Arising Out of PS. Case No.-186 Year-2023 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Mukesh Kumar Son of Arun Mandal Resident of Village- Thumha, Ward No-08, P.S.- Pipra, Dist.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gunjan Kumari Wife of Mukesh Kumar, Daughter of Shivendra Mandal Resident of Vill.- Taraha, Ward no.- 4, P.s.- Singeshwar, Dist.- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the State : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Complaint Case No 186 of 2023, registered for the offences punishable under Sections 323/498(A) of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that the Petitioner along with other family members tortured the Complainant for demand of dowry and ultimately due to non-fulfillment of the demand they ousted her from the matrimonial house.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that on account of matrimonial discord the present complaint case has been filed against the Petitioner/Husband. He further submits that he is willing to keep the Informant/Wife in his matrimonial home. He also 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 paragraph no.3 of the bail 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. Judicial Magistrate-Ist Class, Madhepura, in



connection with Complaint Case No 186 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)

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