

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33186 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Amar Kumar@Amarjit Ram Son Of Late Shankar Ram Village-Jiyay Post-
Jiyay Ps- Siwan Mufassil District-Siwan Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shila Devi Daughter of Mohan Ram Resident of Village- Mauja Mahanagar,
Ps- Siswan, Dist- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tahsin Nayyar Siddiqui, Advocate
For the State : Mr. Kalyan Shankar, 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. 338 of 2023,
registered for the offences punishable under Sections 323, 379,
504, 506, and 498(A) of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is
that the Petitioner along with his family members tortured the
informant in various manner due to non-fulfillment of demand
of dowry. They even stopped her food and assaulted her.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. He further submits that the present false case has been filed on account of matrimonial discord because marriage is not working and the Petitioner-husband has already filed divorce Petition before the Family Court and subsequent to filing of the same, the present false Complaint Case has been filed against the Petitioner-Husband. There is no allegation of any physical violence on the Informant-Wife. He further submits that maximum punishment in 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, Siwan, in connection with Complaint Case No. 338 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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