

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44788 of 2024

Arising Out of PS. Case No.-1100 Year-2019 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Niraj Kumar Son of Late Rameshwar Prasad Singh Resident of Village-
Pandeh, P.O-Karmwari, P.S- Paroo, District -Muzaffarpur, presently at
Mohalla I.G. Colony, P.O-Bhagwanpur, P.S- Sadar, District Muzaffarpur,
Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Karuna Lata Wife of Ram Tarak Singh Resident of Village- Imali Chok
Bela, P.O- R.K Ashram , P.S- Mithanpura, Dist- Muzaffarpur, Bihar -
842002 presently at Village- Andarkila, P.S- Hazipur Nagar, Dist- Vaishali,
Bihar- 844101

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Singh, Advocate
For the State	:	Mr. Madhura Nand Jha, APP
For the O.P. No.2	:	Mr. Ravish Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State as well as learned counsel for the O.P. No.2.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Complaint Case No. 1100 of 2019 dated 25.04.2019, filed for
the offences punishable under Sections 323, 326, 307 and
498(A) of the Indian Penal Code.

3. As per the allegation, there was demand of
additional dowry and on account of non-fulfillment of the same,
the complainant/wife has been subjected to beating.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, his wife/complainant developed adulterous relationship with cousin Sumit Kumar and when he objected to it, she deserted him. Thereafter, he filed matrimonial petition under Section 9 of Hindu Marriage Act for restitution of conjugal life and same was decreed in his favour, but despite such decree, she has not joined the matrimonial home and she still lives separately and she has falsely lodged the present case. He also submits that maximum punishment prescribed 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 in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State as well as learned counsel for the complainant/O.P. No.2 vehemently opposed the prayer of the Petitioner for bail submitting that on account of non-fulfillment of demand of dowry, complainant/O.P. No.2 was subjected to beating and she was ousted from the matrimonial



home along with two children and thereafter the petitioner has solemnized second marriage with one Monalika.

8. Considering the submissions advanced by both the parties and perused the material on record, I find that there is matrimonial discord between the parties. They have better remedy to move before the Family Court to resolve their matrimonial dispute and the maximum punishment prescribed for the alleged offence is 3 years.

9. Accordingly, **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. Additional Chief Judicial Magistrate-16th, Vaishali at Hajipur in connection with Complaint Case No. 1100 of 2019, 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 criminal antecedents other than the disclosed one, 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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