

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48291 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- COMPLAINT CASE District- Jamui

Ashok Ram @ Ashok Kumar S/o Saryug Ram Resident of village Ratanpur,
P.S.-Gidhaur, District-Jamui

... .. Petitioner

Versus

1. The State of Bihar
2. Sarita Devi W/o Ashok Ram Resident of village Ratanpur, P.S.-Gidhaur,
District-Jamui. Parents address Village-Maura, P.S.-Gidhaur, District-Jamui
... .. Opposite Partys

Appearance :

For the Petitioner	:	Mr. Niranjana Parihar, Advocate
For the State	:	Mr. Arun Kumar, APP
For the Complainant	:	Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 26-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 451C of 2023,
registered for the offences punishable under Sections 498-A of
the Indian Penal Code.

3. As per the allegation, the marriage of the
Complainant was solemnized with the Petitioner. After some
time, the accused persons including the Petitioner subjected the
Complainant/Wife to cruelty on account of non fulfillment of
demand of dowry.

4. Learned counsel for the Petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that the marriage was solemnized



between the husband and the Complainant/Wife 26 years back and out of the wedlock, five children were born. Three of them already got married and the remaining two children are living with the Petitioner. The Complainant wife does not want to live with him and this false case has been filed only on account of matrimonial discord. There is no truth in the allegation.

5. Learned counsel for the Complainant submits that the Petitioner/husband is neglecting to maintain the Complainant/Wife. He is not taking her to the matrimonial home nor paying any maintenance to her.

6. 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.

7. It has further been stated in paragraph no.2 of the bail petition that the petitioner has no criminal antecedents.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. 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 the concerned Court, in connection with Complaint Case No. 451C 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.

10. However, it appears that there is matrimonial dispute between the parties and both the parties are better advised to go to the Family Court to settle their disputes, whether it is a matter of maintenance or rehabilitation of married life.

(Jitendra Kumar, J.)

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