

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47424 of 2024

Arising Out of PS. Case No.-1236 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

=====

Vishal Kumar @ Bishal Kumar Son Of Sh. Bikram Kumar Mahto R/O-
Bhagwatpur, P.S.- Mihishi, Distt.- Saharsa Presently R/O- Prem Nagar, P.S.-
Kanke, Ranchi Jharkhand (834006)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anupam Kumari Wife Of Vishal Kumar @ Bishal Kumar R/O- Bhgbatpur,
P.S.- Mahishi, Distt.- Saharsa, At Present- Dhamendra Kumar Rai, R/O-
Naharvar, P.S.- Mahishi, Distt.- Saharsa

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anang Mohan Sinha, Advocate Mr. Ankur Sinha, Advocate Mr. Santosh Kumar Verma, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, Advocate
For the Complainant	:	Mr. Bhim Sen Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the complainant.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with Saharsa
Complaint Case No. 1236-C of 2022 dated 07.11.2022, filed for
the offences punishable under Sections 323, 498A, 379, 504 and
506 of the Indian Penal Code and Section 3/4 of D.P. Act.

3. As per the allegation, the petitioner-husband has
committed cruelty against the wife-complainant after marriage
on account of non-fulfillment of demand of dowry.



4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the allegation against the petitioner is omnibus and simple in nature and there is no specific allegation against him. He further submits that on account of matrimonial discord, the marriage is not working and the wife-complainant is not ready to live with the husband-Petitioner at his matrimonial home. Presently, she is living at her *maiye* and she has illicit relationship with someone else. He further submits that the petitioner-husband has already filed one matrimonial petition under Section 9 of the Hindu Marriage Act in the Family Court.

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 bail petition that the petitioner has no criminal antecedents.

7. Ld. APP for the State and learned counsel for the complainant vehemently oppose the prayer of the Petitioner for bail.

8. Learned counsel for the complainant-wife/O.P. No. 2 submits husband-petitioner is neglecting the maintain his wife.



He is not taking the wife-complainant to his matrimonial home, nor he is paying any maintenance to her

9. Perused the materials on record and considered the submissions advanced by the parties, it appears that there is matrimonial discord between the parties and hence, parties are advised to move Family Court for the relief.

10. 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Saharsa, in connection with Saharsa Complaint Case No. 1236-C of 2022, 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 antecedent 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)

shoaib/-

U		T	
---	--	---	--

