

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45393 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- SARAN COMPLAINT CASE District-
Saran

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Sandesh Kumar @ Sandeep Kumar Yadav S/O Jadulal Ray R/O Village-
Chainpur, P.S- Taraiyan, Distt.- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. July Kumari W/O Sandesh Kumar @ Sandeep Kumar Yadav, D/O Rajendra Rai R/O Village- Chainpur, P.S- Taraiyan, Distt.- Saran At Present R/O Village- Salempur Kaser Tola, P.S- Isupur, Dsit.- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Chandra Gandhi, Advocate Mr. Himanshu Ranjan, Advocate Mr. Sudhanshu Prakash, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP
For the O.P. No.2	:	None

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-12-2024 Ld. counsel for the petitioner and Ld. APP for the

State are present.

2. However despite valid service of notice, nobody
appears on behalf of O.P. No.2.

3. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Complaint Case No. 379 of 2023 dated 14.02.2023, filed for the
offences punishable under Sections 323, 324, 379, 406 and
498(A) of the Indian Penal Code but cognizance has been taken
only under Section 498(A) of the Indian Penal Code.

4. As per the allegation, just after 15 days of the



marriage, there was additional demand of dowry and on account of non-fulfillment of the same, the complainant/wife has been subjected to cruelty and ousted from the matrimonial home.

5. 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, the complainant has already love affairs with one Birbal Rai and that is why, she has deserted him and she has entered into second marriage with Birbal Rai and hence, she has filed the false case under Section 498(A) of I.P.C. to harass the petitioner and his family members. He further submits that cognizance has been taken only of offence punishable under Section 498(A) of the Indian Penal Code, for which maximum punishment prescribed for the alleged offence is three years.

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.3 of the petition that the petitioner has no criminal antecedent.

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

9. It appears that there is matrimonial discord between



the parties. They are advised to move the Family Court to resolve their matrimonial disputes. Moreover, the maximum punishment prescribed for the alleged offence is 3 years.

10. Considering the aforesaid facts and circumstances of the case, **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, Saran at Chapra in connection with Complaint Case No. 379 of 2023, Tr. No. 1493 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 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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