

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47311 of 2024

Arising Out of PS. Case No.-33 Year-2021 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Chintu Kumar Son Of Prahalad Mistri Resident At Dharampur, P.S. - Kako, District - Jahanabad
 2. Sushila Devi Wife Of Prahalad Mistri Resident At Dharampur, P.S. - Kako, District - Jahanabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manorama Devi Daughter Of Late Basant Mishtri Resident Of Khangah, P.S. - Arwal, District - Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Advocate
		Mr. Mayank Singh, Advocate
For the Opposite Party/s	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Complaint Case No. 33 of 2021 dated 12.02.2021, filed for the offences punishable under Sections 147, 148, 149, 324, 379, 498A and 323 of the Indian Penal Code and Section 3/4 of D.P. Act.

3. As per the allegation, the petitioner-husband and other co-accused have 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 in fact marriage between the parties is not working and on account of matrimonial discord, the false Complaint Case has been filed.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have 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 petitioners have no criminal antecedents.

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

8. Learned counsel for the complainant-wife/O.P. No. 2 submits that there are two daughters born out of the wedlock and the complainant-wife is living at her *maiye* along with her two children because the petitioner is not taking his wife-complainant to his matrimonial home, nor he is maintaining her and her children.

9. Perused the materials on record and considered the submissions advanced by the parties, it appears that the



marriage is not working properly and the husband-Petitioner is not maintaining his wife and children. If it is so, the wife-complainant has remedy to move Family Court for maintenance or any other matrimonial relief.

10. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Arwal, in connection with Complaint Case No. 33 of 2021, 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 petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 petitioners.

(Jitendra Kumar, J)

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