

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48862 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Krishna Kumar S/o Lalan Ram @ Lallan Ram R/o vill - Marla, P.S. - Sonhan,
Distt. - Kaimur at Bhabua
... .. Petitioner

Versus

1. The State of Bihar
2. Kaushalya Kumari W/o Krishna Kumar, D/o Sudama Ram At present R/o vill - Mohanpur, P.S. - Bhagwanpur, Distt. - Kaimur at Bhabua
... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Pawan Kumar Singh Advocate
For the State	:	Mr. Chandra Sent Prasad Singh, APP
For the O.P. No.2	:	Mr. Arun Kumar Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 17-12-2024 Heard Ld. counsel for the petitioner, Ld. APP for
the State and learned counsel for the Opposite Party No.2.

2. The petitioner seeks bail, apprehending his arrest, in connection with Mahila (Bhabua) P.S. Case No. 06 of 2024 dated 04.02.2024, filed for the offence punishable under Section 498(A), 341, 323, 504, 506/34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

3. As per allegation, there was demand of additional dowry after marriage and on account of non-fulfillment of the same the informant has been subjected to cruelty by the petitioner/husband and his family members and finally ousted from the matrimonial home.

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, the marriage of



the Petitioner was settled with some other girl but fraudulently the marriage of the petitioner was solemnized with the Complainant, and hence, he is not interested to keep the complainant in his matrimonial home and he has filed divorce petition and even maintenance case has been filed by the Complainant/wife against the Petitioner and the present case is false. Moreover, the 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 bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State as well as learned counsel for the Opposite Party No.2 vehemently oppose the prayer of the Petitioner for bail submitting that the Petitioner is legally wedded husband of the Complainant but he is not keeping her at his matrimonial home nor giving any maintenance amount to her.

8. It appears that there is matrimonial discord between the parties and it is better for the parties to move Family Court to settle their disputes.



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 Ld. S.D.J.M., Bhabua, Kaimur, in connection with Mahila (Bhabua) P.S. Case No. 06 of 2024, 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.

(Jitendra Kumar, J.)

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