

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47024 of 2024

Arising Out of PS. Case No.-303 Year-2019 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Albin Kumar @ Alvin Kumar Bhaskar @ Allwin Kumar Bhaskar Son Of
Dharamraj Paswan Resident Of Village - Bhagwanpur, P.S. - Goh, District -
Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rinki Devi Daughter Of Ram Chhapit Paswan, Wife Of Alwin Kumar
Resident Of Village - Sarwali, P.S. - Karpi, District - Arwal, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate Mrs. Devyani Shekhar, Advocate Mr. Sandeep Kumar Pandey, Advocate
For the State	:	Ms. Pronoti Singh, APP
For the O.P. No.2	:	Mr. Arbind Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State as well as learned counsel for the O.P. No.2.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with Arwal
Complaint Case No. 303 of 2019 dated 17.12.2019, filed for the
offences punishable under Sections 323, 341, 379 and 498(A) of
the Indian Penal Code and Section 34 of the Dowry Prohibition
Act.

3. As per the allegation, just after one month of
marriage, there was demand of additional dowry by the
petitioner and his family members and on account of non-



fulfillment of the same, the complainant/wife was subjected to torture and was 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 complainant/wife is not happy with the standard of life available at matrimonial home, because the husband/petitioner is just manual labour. He could not meet the expectation of his wife/complainant. Hence, complainant/wife has left matrimonial home. She also submits that cognizance only under Section 498(A) of the Indian Penal Code and Section 34 of D.P. Act has been taken, for which maximum punishment prescribed 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 petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State as well as learned counsel for the complainant/O.P. No.2 vehemently opposed the prayer of the Petitioner for bail.

8. Considering the submissions advanced by both the



parties and perused the material on record, I find that there is matrimonial discord between the parties. They have better remedy to move before the Family Court to resolve their matrimonial dispute and the maximum punishment prescribed for the alleged offence is 3 years.

9. Accordingly, **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. Sub-Divisional Judicial Magistrate, Arwal in connection with Complaint Case No. 303 of 2019, 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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