

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48928 of 2024

Arising Out of PS. Case No.-1204 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Chandan Kumar @ Chanda Kumar Son Of Rajo Saw Resident Of Village -
Kumharau @ Kumharua, P.S. - Rajauli, District - Nawada

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Kumari Wife of Chandan Kumar @ Chanda Kumar Resident Of
Village - Kumharau @ Kumharua, P.S. - Rajauli, District - Nawada,
Daughter Of - Vijay Kumar Saw, Resident Of Village - Olipur, P.S. - Narhat,
District - Nawada

... .. Opposite Partys

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Appearance :

For the Petitioner : Mr. Durgesh Nandan, Advocate
For the State : Mr. Ashok Kumar Singh, APP

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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

petitioner, apprehending his arrest, in connection with

Complaint Case No.-1204 of 2023 dated 13.09.2023, registered

for the offences punishable under Sections 323, 307, 379, 406,

498A/34 of the Indian Penal Code and Section 3/4 of the Dowry

Prohibition Act.

3. As per the allegation, the marriage of the

Complainant was solemnized with Chandan Kumar/Petitioner

on 13.05.2022 as per Hindu rites and customs. After three



months of her marriage, the accused persons including the Petitioner subjected the Complainant/Wife to cruelty on account of non fulfillment of demand of dowry.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that cognizance has been taken by learned Magistrate under Section 498A of the Indian Penal Code and Section 34 of the Dowry Prohibition Act and on account of matrimonial discord the present false case has been filed. He also submits that the maximum punishment for the alleged offence is three years and the allegation against the Petitioner is general and omnibus in nature.

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 antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. 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., Nawada, in connection with Complaint Case No.1204 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.)

Chandan/-

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