

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51079 of 2024

Arising Out of PS. Case No.-1399 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Santosh Kumar @ Santosh Mandal Son Of Naresh Mandal Resident Of
Village - Thapkol, Post Office - Ragheli, Police Station - Dandkhora, District
- Katihar

... .. Petitioner

Versus

1. The State Of Bihar
2. Poonam Kumari Wife Of Santosh Mandal, Daughter Of Nakshtra Mandal
Residing With Her Father At Village - Baraita, Ward No. 09, Police Station -
Kasba, District - Purnia

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Rakesh Kumar Jha, Advocate Mr. Navin Kumar, Advocate Mr. Sumit Kumar, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP
For the O.P. No.2	:	Mr. Raj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-12-2024 Heard Ld. counsel for the petitioner, Ld. APP for
the State and Ld. counsel for O.P. No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 1399 of 2022, registered
for the offences punishable under Sections 498A of the Indian
Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

3. As per allegation, after 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
by the accused/petitioner who is husband of the complainant.



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 matrimonial discord has developed on account of suspicion of the complainant/wife that the petitioner has remarried with some other lady whereas, he has not entered into second marriage with any lady and he is also ready to keep her in his matrimonial home.

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.2 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State and Ld. Counsel for the opposite party no. 2 vehemently oppose the prayer of the Petitioner for bail submitting that the complainant/wife has been subjected to cruelty on account of non-fulfillment of illegal demand of dowry and she has been ousted from the matrimonial home and Petitioner/husband has entered into the second marriage. However, she is willing to live with him but he is not taking her to his matrimonial home nor is he paying any maintenance amount.



8. It appears that there is matrimonial discord between the parties. Parties are advised to move Family Court to resolve their matrimonial disputes including maintenance and other matrimonial relief. The maximum punishment prescribed for the alleged offence is three years.

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. Judicial Magistrate Ist Class, Purnea, in connection with Complaint Case No. 1399 of 2022, 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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