

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49469 of 2024

Arising Out of PS. Case No.-686 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

Pratap Ram @ Pratap Kumar S/o Bindhyachal Ram R/o vill - Belauri, P.S. -
Mohania, Distt. - Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Kiran Devi W/o Pratap Ram R/o vill - Belauri, P.S. - Mohnia, Distt. -
Kaimur (Bhabua). At present D/o Gayan Chandra Ram, R/o vill - Katrakala,
P.S. - Mohania, Distt. - Kaimur (Bhabua)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Ram, Advocate
For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the complainant.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Complaint Case No. 686 of 2020 dated 28.09.2020, filed for the
offences punishable under Sections 323, 341, 406, 498A and
504 of the Indian Penal Code and Section 4 of D.P. Act.

3. As per the allegation, the petitioner-husband has
committed cruelty against the wife-complainant after marriage
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 there is matrimonial discord and hence, the false case has been filed. As a matter of fact, one daughter is also born out of the wedlock and leaving the three months old daughter. She left the matrimonial home without the knowledge of her husband and she did not go even to her parental home. After some time, she came back to her parental home. Thereafter, panchyati was held for saving the marriage, but the complainant-wife has flatly refused to live with him.

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

8. Learned counsel for the complainant-wife/O.P. No. 2 submits that the petitioner has entered into second marriage and on account of the second marriage, she is not able to live with him and even one daughter is born out of the wedlock of the second wife and the petitioner and the petitioner – husband



is not giving maintenance to her.

9. Perused the materials on record and considered the submissions advanced by the parties, it appears that there is matrimonial discord between the parties and hence, parties are advised to move Family Court or any other matrimonial relief.

10. 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Complaint Case No. 686 of 2020, 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 antecedent 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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