

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48735 of 2024

Arising Out of PS. Case No.-422 Year-2023 Thana- LALGANJ District- Vaishali

Gaurav Kumar @ Sonu S/o Vijay Shankar Prasad R/o vill - Maida Toli, ward
no. 9, P.s. - Lalganj, Distt. - Vaishali

... .. Petitioner

Versus

1. The State of Bihar
2. Shilpy Kumari W/o Gaurav Kumar, D/o Chandrashekhar Jaiswal Residing at
vill - Kuyain, P.S. - Sarai, Distt. - Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Awadhesh Kumar Singh, Advocate
For the State : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-12-2024 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Lalganj P.S. Case No. 422 of 2023, filed for
the offence punishable under Section 341, 323, 498(A), 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 the
same, the informant was subjected to cruelty by the
husband/petitioner and his family members.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that marriage between the parties is not working and the petitioner/husband has filed divorce petition against the informant/wife on 18.08.2023. Subsequently, she has filed the present false case to harass the petitioner and his family members and there is no truth in the allegation. He further submits that cognizance of offence punishable only under Section 498A IPC and Section 3 and 4 of the Dowry Prohibition 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 bail 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. Cheif Judicial Magistrate, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 422 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 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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