

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50037 of 2024

Arising Out of PS. Case No.-375 Year-2023 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Mukesh Keshari Son of Naresh Keshari @ Naresh Prasad Keshri R/o Village-
Madhopur, Dighrua Tajpur, P.S.- Tajpur, District- Samastipur, Presently
Resident of Haf naga Jan United Colony, Dimapur, P.S.- Dimapur, Nagaland
... .. Petitioner

Versus

1. The State of Bihar
2. Kajal Kumari W/o Mukesh Kishri, D/o- Sandeep Kishri R/o Village- Bela
Simri, P.S.- Khagaria (Gangor), District- Khagaria
... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Binod Kumar, APP
For the O.P. No.2	:	Mr. Ram Sumiran Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 17-12-2024 Heard Ld. counsel for the petitioner, Ld. APP for

the State and learned counsel for the Opposite Party No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No.375C of 2023 dated
27.07.2023, filed for the offence punishable under Section
498(A)/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 of the
same the Complainant/wife has been subjected to cruelty by the
petitioner/husband.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. As a matter of fact, the marriage is not working and the



Complainant/Wife has adulterated relationship with one Prince Kumar and this false case has been filed only to harass the husband/petitioner.

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 as well as learned counsel for the Opposite Party No.2 vehemently oppose the prayer of the Petitioner for bail submitting that she has been subjected to cruelty by the husband/petitioner on account of non- fulfillment of demand of dowry. He also submits that the husband/Petitioner has entered into second marriage and he is not even maintaining her.

8. From the rival submissions of the parties, it appears that on account of matrimonial discord, the marriage is running into rough weather and the best course for them is to move Family Court for settlement of their matrimonial dispute and 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. S.D.J.M., Khagaria, in connection with Complaint Case No.375C 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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