

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51311 of 2024

Arising Out of PS. Case No.-916 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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Sagar Kumar @ Sagar Kumar Yadav Son Of Ashok Kumar Yadav Resident
Of Village - Ishachak, P.S. - Nathnagar, District - Bhagalpur

... .. Petitioners

Versus

1. The State of Bihar
2. Nitu Devi Wife Of Sagar Kumar Yadav, Daughter Of Raghunandan Prasad
Yadav @ Bhaso Yadav Resident Of Village - Paniyala Chak, P.O. - Patam
Nauagarhi, P.S. - Naya Ramnagar, District - Munger

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Chandan Kashyap, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the Opposite Party No.2	:	None.

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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 the Opposite Party No.2.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Complaint Case No.916C of 2018, registered for the offences
punishable under Sections 498A, 323, 313 of the Indian Penal
Code and Section 3 and 4 of the Dowry Prohibition Act.

3. As per allegation, there was additional demand of
dowry after marriage and on account of non-fulfillment of the
same, the Complainant has been subjected to cruelty in various



ways and the she has been ousted from the matrimonial home.

4. Ld. counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case on account of matrimonial discord the Complainant/wife left the matrimonial home to live at her *mayke* and thereafter she is not coming back to the matrimonial home despite his willingness to keep her. He further submits that he has also filed matrimonial suit under Section 9 of the Hindu Marriage Act and got decree in his favour and despite such decree under Section 9 of the Hindu Marriage Act, the Complainant/Wife has not joined the matrimonial home. The maximum punishment prescribed for the alleged offence 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. Despite valid service of notice, nobody is present on behalf of the Opposite Party No.2 to attend the case.

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

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. Munger, in connection with Complaint Case No.916C of 2018, 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.)

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