

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51275 of 2024

Arising Out of PS. Case No.-412 Year-2020 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Tarkeshwar Ram Son of Late Bhuneshwar Ram R/o Village- Shumbha, P.S.-
Allauli, District- Khagaria

... .. Petitioner

Versus

1. The State of Bihar
2. Vandana Kumari D/o Sanjay Kumar Das R/o Village- Mathurapur, P.S.-
Mathurapur, District- Khagaria

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Santosh Kumar Singh, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP
For the O.P. No.2	:	Mr. Ranjan Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 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.-412 of 2020, registered for the offences punishable under Sections 498A, 323, 406, of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per allegation, marriage of the complainant was solemnized with the petitioner on 26.08.2019. The complainant joined the matrimonial home of the petitioner. However, after the marriage, the petitioner got government job in Railway Department and he started demanding additional dowry and on



account of non-fulfillment of the same he refused to keep the complainant with him and when her family members organized a *panchayat* in the village of the petitioner, the complainant and her family members were abused and beaten.

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 was no marriage ever solemnized between the complainant and the Petitioner and only initial negotiation was done between the two families and since the Petitioner is in government job, this false case has been filed by the complainant to put pressure on the petitioner to marry the complainant. He further submits that the complainant has never lived with the Petitioner because there was no marriage and there was no question of living together.

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 petition that the petitioner has been made accused in one other case in which he is on bail.

7. However, Ld. APP for the State as well as Ld. Counsel for the Opposite Party No.2 vehemently oppose the



prayer of the Petitioner for bail submitting that the marriage was solemnized and after the marriage the petitioner got government job and thereafter he developed greed for additional dowry and on account of non-fulfillment of the same, she has been ousted from his matrimonial home and he is not keeping her in his matrimonial home nor is he paying any maintenance to her.

8. It appears that there is rival claim between the parties regarding solemnization of marriage and it is better for the parties to move Family Court to determine the dispute regarding the marriage and subsequent relief for the parties. The maximum punishment for the alleged offence prescribed 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.-412 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 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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