

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71353 of 2024

Arising Out of PS. Case No.-1825 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Rohit Kumar Son of Late Shyam Prasad Sah, R/O Village and Post- Kothia,
P.S.- N.H. Bangra, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari Wife of Rohit Kumar, Resident of village- Kothia, P.S.- N.H. Bangra, District- Samastipur, presently residing at D/o Chandrashekhar Sah of village- Konaila, Post- Sekhpura Sah Tola Ward No.13, P.S.- Ujiyarpur, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate
For the State : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 1825 of 2023 dated
08.09.2023, registered for the offences punishable under Section
498(A) of the Indian Penal Code and Section 4 of Dowry
Prohibition Act.

3. As per the allegation, the petitioner has subjected
the complainant/wife to cruelty after marriage.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. He further submits that on account of some minor matrimonial discord, the present false case has been filed against the petitioner. Even as per the allegation, there is no allegation of any violence to the complainant by husband/petitioner. Moreover, prior to filing this complaint, the husband/petitioner has also filed a criminal complaint against the complainant/wife and in retaliation, she has filed the present false case. Moreover, the alleged offence is punishable maximum up to 3 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 antecedent.

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. Sub-Divisional Judicial Magistrate, Samastipur, in
connection with Complaint Case No. 1825 of 2023, ER No. 201
of 204, 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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