

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71617 of 2024

Arising Out of PS. Case No.-822 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Akhilesh Gupta Son of Rampravesh Gupta village- Samardiha, PO- Pipara, Ps- kargahar, Dist- Rohtas at Sasaram At P/A- village- Shartbasu Road, Lancedown Market, Ward no. 69, Kolkata

... .. Petitioner/s

Versus

1. The State of Bihar
2. Minku Gupta son of Akhilesh Gupta village- Samardiha, PO- Pipara, Ps- kargahar, Dist- Rohtas at Sasaram At P/A- Reside with her father namely Jitendra Gupta village- jaitpur kala, Ps- Bhagwanpur, Dist- kaimur (Bhabua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the State : Mr. Abhay Kumar. 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 present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Complaint Case No. 822 of 2023, filed for the offences punishable under Sections 498A, 504, 506 and 323 read with Section 34 of the Indian Penal Code and Section 34 of D.P. Act.

3. As per the allegation, the petitioner-husband has subjected the complainant-wife to cruelty after marriage on account of non-fulfillment of demand of dowry.

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 non-working of the marriage, the present false case has been filed.

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 no criminal antecedent.

7. However, Ld. APP for the State and learned counsel for the informant vehemently oppose the prayer of the Petitioner for bail submitting that the husband is not keeping the complainant-wife, nor paying any maintenance.

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. S.D.J.M, Kaimur at Bhabhua in connection with Complaint Case No. 822 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 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.

9. However, if the complainant-wife is aggrieved by refusal of the husband-petitioner to keep herself in his matrimonial home or paying the maintenance to her, legal remedy is available to her to file appropriate proceeding before Family Court.

(Jitendra Kumar, J)

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