

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81604 of 2024

Arising Out of PS. Case No.-147 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Shailesh Kumar @ Vinay Kumar S/o Late Krishna Prasad R/o North Mandiri,
near Kabir Ashram, Road No.23, P.S.- Budha Colony, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakhi Kumari @ Guria W/o Shailesh Kumar @ Vinay Kumar D/o Late Mahendra Prasad Yadav, R/o Noon Ka Chauraha, Kanghiya Tola, P.S.- Khajekalan, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 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. 147(C) of 2023, filed for the offences punishable under Sections 498A, 504 and 506 of the Indian Penal Code.

3. As per the allegation, there is demand of additional dowry by the husband-petitioner and on account of non-fulfillment of the same, she has been subjected to cruelty by the petitioner. It is also alleged that the petitioner-husband wants to re-marry with another lady.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the maximum punishment prescribed for the alleged offence is three years. He further submits that as a matter of fact, there is matrimonial discord and on account of which this false case has been filed by the complainant. He also submits that one criminal case has already been lodged against his wife and family members under Section 420, 406, 323, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act. He has also filed divorce petition against the wife which is pending in the Court of learned Principal Judge, Family Court, Patna.

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 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. Judicial Magistrate-Ist Class, Patna City, in Complaint Case No. 147(C) 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.

(Jitendra Kumar, J)

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