

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81444 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

1. Jitendra Kumar Ram Son of Chandrama Ram Resident of village- Nyayipur Chausa, P.S.- Buxar, District- Buxar
2. Chandrama Ram Son of Late Muneshwer Ram Resident of village- Nyayipur Chausa, P.S.- Buxar, District- Buxar
3. Chandani Devi Wife of Chandrama Ram Resident of village- Nyayipur Chausa, P.S.- Buxar, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surybala Kumari Wife of Jitendra Kumar Ram, D/o Hariprakash Resident of village- Nyayipur Chausa, P.S.- Buxar, District- Buxar. Presently reside at Akhalaspur, P.S.- Bhabhua, Dist.- Kaimur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail, apprehending their arrest, in connection with Mahila P.S. Case No. 46 of 2023 dated 19.09.2023, registered for the offences punishable under Section 498(A) of the Indian Penal Code and Section 3/4 Dowry Prohibition Act.

3. As per allegation, there is demand of additional dowry by the petitioners along with other accused persons and on account of non-fulfillment of the same she has been



subjected to cruelty.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. As a matter of the fact, the marriage is not working between the petitioner/husband and the informant/wife and hence, a false case has been lodged against the petitioner/husband. He further submits that divorce case has also been filed by the petitioner/husband against the informant/wife which is pending in the Court of Principal Judge, Family Court, Buxar. He also submits that 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 petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has also been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the petitioners for bail.

8. Considering the aforesaid facts and circumstances, this **application is allowed**, directing the petitioners, above named, to be enlarged on bail in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Mahila P.S. Case No. 46 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have given wrong statement regarding their criminal antecedents, learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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