

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81405 of 2024

Arising Out of PS. Case No.-1660 Year-2023 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Nirmal Prasad @ Nirmal Kumar Son of Late Hira Lal Prasad Resident of
Village- Benwaliya Police Station- Bihiya, Dist.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari, Wife of Nirmal Prasad, D/O Naresh Prasad, Resident of
Village- Benwaliya, Police Station- Bihiya, Dist.- Bhojpur. At Present
residence of Alekhi Tola, P.S.- Barahara, Dist.- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate.
For the State : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned

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. 1660(C) of 2023, registered for the offence
punishable under Section 498(A) of the Indian Penal Code and
Section 3/4 of Dowry Prohibition Act.

3. The Complainant/wife has alleged that the
petitioner/husband was demanding additional dowry and on
account of non-fulfillment of the same, she was subjected to
cruelty. It is also alleged that the husband/petitioner is having
illicit relationship with his *Bhabhi*.

4. Learned counsel for the Petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. As a matter of fact, the marriage is not working and, hence, false allegation has been levelled against the petitioner by his wife. He further submits that the petitioner has filed even petition under Section 9 of the Hindu Marriage Act in Family Court for restitution of conjugal rights and he is willing to keep his wife in the matrimonial house. He also submits that the 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 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 got clean antecedent.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. From the allegation and statement of the complainant/wife, it appears that the marriage is not working. She has doubt that her husband/petitioner is having illicit relationship with his *Bhabhi*.

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 learned Sub Divisional Judicial Magistrate, Arrah, Bhojpur, in connection with Complaint Case No. 1660(C), of 2023 subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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