

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84561 of 2024

Arising Out of PS. Case No.-857 Year-2023 Thana- SIKARPUR District- West Champaran

Chandan Kumar @ Chandan Kharwar @ Chandan Kuwar S/o- Kanhaiya Kharwar @ Kanhaiya Mahto Village- Bijavaniya Ps-Shikarpur Dist-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheela Devi W/o- Chandan Kumar Village- Bijavaniya Ps-Shikarpur Dist-West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the State	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 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 Sikarpur P.S. Case No. 857 of 2023, dated 03.11.2023, registered for the offences punishable under Sections 498A, 341, 323, 504 and 506 read with Section 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. As per the allegation, there was demand of additional dowry and on account of non-fulfillment of the same, the informant/wife has been subjected to cruelty by the petitioner-husband and other family members.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, marriage is not working between the parties. He further submits that on account of matrimonial discord, this false case has been filed against the petitioner. 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 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 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. Chief Judicial Magistrate, Bettiah, West



Champaran, in connection with Sikarpur P.S. Case No. 857 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)

shoaib/-

U		T	
---	--	---	--

