

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84882 of 2024

Arising Out of PS. Case No.-890 Year-2024 Thana- SARAN COMPLAINT CASE District-
Saran

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Gajendra Ray @ Gajendra Kumar Son of Late Ramdev Ray Resident of
Village - Mubarakpur, P.S. - Marhawah, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamita Kumari Daughter of Kameshwar Ray Resident of Village -
Madhopur, P.O. - Madhopur, P.S. - Marhawah, District - Saran

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh No. I, Advocate
For the State : Mr. Satyendra Narayan Singh, APP

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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 Saran
Complaint Case No. 890 of 2024, Trial No. 3668 of 2024, filed
for the offences punishable under Section 498A of the Indian
Penal Code and Section 34 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..

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. Sub Divisional Judicial Magistrate, Saran at Chapra, in connection with Saran Complaint Case No. 890 of

2024, Trial No. 3668 of 2024, 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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