

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9041 of 2025

Arising Out of PS. Case No.-51 Year-2023 Thana- NAUGACHIA MAHILA P.S. District-
Bhagalpur

=====

Viswajit Kumar Son of Late Lakhan Prasad Resident of Village - Shahmir
Takiya Durga Sthan Pasi Tola, P.S. - Civil Lines, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Kumari Daughter of Satyanarayan Prasad Resident of Village - Badi
Durga Sthan Shankarwar Tola, Police Station - Mokama, District - Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Nawaz Sharif, Advocate
For the State	:	Mr. Parmanand Prasad, APP
For the O.P. No.2	:	Mr. Ajeet Kumar Bhardwaj, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Naugachia (Mahila) P.S. Case No. 51 of
2023, dated 04.12.2023, registered for the offences punishable
under Sections 313, 498A, 504 and 506/34 of the Indian Penal
Code read with Section 34 of the D.P. Act.

3. As per allegation, the marriage was solemnized
between the informant and the petitioner on account of love
affairs and physical relationship prior to the marriage itself but
subsequent to the marriage, petitioner-husband started demand
of dowry of Rs.20,00,000/- and transfer of 2.5 decimal land in



his name from the mother of the informant. It is also alleged that the petitioner has given medicine in her tea for miscarriage of her pregnancy.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged occurrence has been taken place since 2021 but F.I.R. has been lodged in the year 2024. He further submits that the informant is a constable in Bihar Police and she is misusing her power and knowledge of criminal law. He also submits that as a matter of fact, informant wants to the petitioner-husband to be living with her, leaving behind his parents, which is not possible. He further submits that petitioner is also a teacher in Bihar Government School. He further submits that charge-sheet has been already submitted and during investigation, petitioner had got the benefit of Section 41A of Cr.PC and he was cooperative with police and there is no scope of tampering of any evidence during the trial.

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 bail petition that the petitioner has no criminal antecedent.



7. However, learned APP for the State and learned counsel for the informant oppose the prayer of the Petitioner for bail submitting that offences committed against the informant is serious in nature and hence, petitioner does not deserve anticipatory 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 learned concerned Court below, in connection with Naugachia (Mahila) P.S. Case No. 51 of 2023, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

ravishankar/-

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

