

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5084 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Amit Kumar S/o Late Prabhu Sharma R/o Mohalla - Gaushala Road, Doctor
Colony Mokama, P.S. - Mokama, Dist. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Devi W/o Amit Kumar (as alleged in complaint petition) R/o Vill -
Dharmpur, P.O. - Shambhuganj, P.S. - Shambhuganj, Dist. - Banka At
present residing at House of Priyanka Devi, Wife of Tuntun Pandey, Bedno
Road Barh, Post office and Police Sation - Barh, Dist. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

7 02-04-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 68 of 2023 for the offence
under Sections 494, 376, 120B, 323 and 498A of the I.P.C. and
Sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution story, the complainant has
alleged that petitioner is her maternal nephew (Bhagina) and she
was in love with him. After marriage the petitioner kept her in
his house at Mokama and thereafter he kept her in Barh at
rented house. Further, the complainant has alleged that the



petitioner started demanding Rs. 5,00,000/- (cash), one motorcycle, and golden chain as dowry and due to nonfulfillment of same she was subjected to cruelty.

4. Learned counsel for the petitioner submits that the petitioner is a young boy aged about 25 years and he has a mobile repairing shop. He is bachelor and he never married to the Opposite Party No. 2 who is his maternal aunt (Maami) and she is nine years elder to the petitioner. In the aforesaid facts and circumstances, the story narrated in complaint petition is false and improbable. As the petitioner is Nephew of the O.P. No. 2 and because of her such activity he and his family members were always in favour of Sanjay Kumar Thakur (husband of the complainant) and for that he had some hot exchange of words with O.P. No. 2 and she had threatened his family to implicate in false case. Therefore, this false complaint petition has been filed against him and his family.

5. Learned APP opposes the prayer for bail.

6. From perusal of the answer given to the Court at the time of oath by the Opposite Party No. 2, it appears that she has stated the name of his first husband i.e. 'Sanjay Thakur' and she solemnised her marriage with him at Jhariya and she has also solemnised her second marriage without getting any decree



of divorce.

7. In that view of matter, she has clearly admitted that without getting the decree of divorce from her first husband, she has solemnised her second marriage with this petitioner and the second marriage is itself not valid in the eye of law. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Barh, District-Patna in connection with Complaint Case No. 68 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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