

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9645 of 2025

Arising Out of PS. Case No.-1549 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Deepak Kumar, S/O Naresh Prasad R/O Mohalla- Men Road Punchu Near
Hisua, P.S- Hisua, Distt.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Preeti Kumari D/O Raju Prasad, W/O Deepak Kumar R/O Mohalla-
Panchayati Akhara Near Neem Gali, P.S- Kotwali, Distt.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vishwa Ranjan Choudhary, Advocate.
For the O.P. No. 2	:	Mr. Amar Prakash, Advocate.
For the State	:	Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 1549 of 2022 filed for
the offence punishable under Section 498(A) of the Indian Penal
Code.

3. As per allegation, subsequent to marriage, demand
of additional dowry of Rs.2,00,000/- was started and on account
of non-fulfillment of the same, she has been subjected to
harassment by the husband/petitioner and his family members
and ultimately she has been ousted from the matrimonial home
and presently she is living in her *makey*.



4. Learned 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, the complainant/wife joined the matrimonial home after marriage but after living for some time, she left the matrimonial home on her own and she does not want to continue the matrimonial relationship with petitioner/husband and even a divorce petition with mutual consent was filed but, thereafter, she withdrew her consent and divorce petition with mutual consent got withdrawn. 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 bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State and learned counsel for the complainant/wife vehemently oppose the prayer of the Petitioner for bail submitting that the complainant/wife is willing to live with the petitioner/husband but he is not keeping her in his home. He intends to solemnize second marriage and he is not paying any maintenance to her. They further submit



that at present the complainant/wife is living in her *Maikey* because she has been ousted from the matrimonial home by the petitioner/husband.

8. Considering the aforesaid submissions of both the parties it appears that the marriage is not working for the reason best known to them and they have remedy with Family Court and the complainant wife should file maintenance petition before the Family Court, **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 Chief Judicial Magistrate, Gaya, in connection with Complaint Case No. 1549 of 2022, 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 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)

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