

Arising Out of PS. Case No.-34 Year-2023 Thana- MAHILA PS District- Aurangabad

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Avinash Kumar, Son of Mithesh Yadav, Resident of Mohalla - Shastri Nagar, Road No.7, P.S. - Rampur, District – Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Priyanka Kumari @ Gudiya Kumari, Wife of Avinash Kumar, Daughter of Ramadhar Singh, Resident of Village - Malahar, P.S. - Hasanpura, District – Aurangabad.

... .. Opposite Parties

Appearance :

For the Petitioner : Ms. Rabia Gulnaz, Advocate
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Mahila P.S. Case No. 34 of 2023, dated 24.07.2023 registered for the offences punishable under Sections 341, 323, 504, 506, 498(A), 317(2), 34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act.

3. As per allegation, subsequent to the marriage, there was demand of additional dowry and on account of non-fulfillment of the same, the informant/wife was subjected to cruelty by the accused persons including the petitioner/husband. As per further allegation, the brother-in-law had intention to get



sexual favour from her and on account of non-fulfillment of his desire, she was tortured by him. As per further allegation, the husband/petitioner does not want the informant/wife to continue with her service as police constable.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that subsequent to the marriage, the informant/wife has become police constable in Bihar Police and she is not interested in continuing the marriage. Hence, she is making false allegation against the husband/petitioner and his family members and there is no truth in the allegation. He also submits that the FIR has been lodged subsequent to the informant getting job in Bihar Police. Moreover, 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 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 learned concerned Court Below, in connection with Mahila P.S. Case No. 34 of 2023, 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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