

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31476 of 2025

Arising Out of PS. Case No.-128 Year-2024 Thana- MAHILA PS District- Darbhanga

Amit Kumar Vishwakarma @ Amit Kumar Bishwakarma Son of Viresh Prasad Vishwakarma @ Biresh Prasad Bishwakarma R/o Fithar Bazar, P.S.- Bhagwan Bazar, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Perna Kumari Daughter of Ashok Kumar Thakur R/o Mohalla - Bela (Durga Mandir), P.S.- L.N.M.U., District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the State : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Mahila P.S. Case No. 128 of 2024, registered for the offences punishable under Sections 85, 115(2), 351(2), 126(2) and 3(5) of B.N.S., 2023 and Sections 3 and 4 of D.P. Act.

3. As per allegation, marriage between the petitioner and the informant was solemnized on 22.04.2021 as per Hindu Rites and Customs. However, subsequent to the marriage, additional demand of dowry started and on account of non-fulfillment of the same, she was subjected to torture and on



account of cruelty, she was called by her parents to her *mai*ke and thereafter, when she went to matrimonial home, she was not allowed to live in the matrimonial home. It is also alleged that the petitioner has illicit relationship with his *bhabhi* and on protest, she was subjected to cruelty.

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 informant-wife is having relationship with one Ratnesh Ranjan and hence, she is not interested in continuing the matrimonial relationship and even divorce petition has been filed by the petitioner against the informant-wife prior to the present case and only after filing the divorce, petition, she has filed this false case and Divorce Case No. 36 of 2024 is pending in the Court of Principal Judge, Family Court, Chhapra.

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 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. 128 of 2024, subject to the conditions as laid down under Section 482 (2) of the 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)

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