

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25881 of 2025

Arising Out of PS. Case No.-376 Year-2024 Thana- BAHERA District- Darbhanga

Praveen Kumar son of Manoj Kumar@Manoj Kumar Jha Mohalla -
Gangajala Vishuakarma Dhala, Ward no. 17, P.S.- Saharsa, Dist- Saharsa

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Swati Kumari Daughter of Anjani Thakur village- Majhodha, Ps- Baheda,
Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the State : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Bahera P.S. Case No. 376 of 2024, dated
01.10.2024, registered for the offences punishable under
Sections 126(2), 115(2), 351(2), 352, 85 and 3(5) of B.N.S.

3. As per allegation, just after the marriage, demand of
additional dowry started and on account of non-fulfillment of
the same, the informant is subjected to cruelty by the husband-
petitioner and his family members and ultimately, she has been
ousted from the matrimonial home, whereas they have forcibly
attained the custody of her minor son.



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 petitioner is working in Delhi and the informant was also living with him. But when the parents of the petitioner came there to reside, the problem started, because the informant does not want to live with the parents of the petitioner and hence, she has filed the false case.

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 Bahera P.S. Case No. 376 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.

9. The informant has remedy to resolve her matrimonial dispute, including the custody of the child, by filing the appropriate application before the Family Court.

(Jitendra Kumar, J)

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