

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32705 of 2025

Arising Out of PS. Case No.-903 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Santosh Kumar, S/o Late Binod Vishwakarma, R/o Mohalla - Loharwa Ghat,
P.S. - Alamganj, Dist. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Kumari, D/o Ajay Sharma, W/o Santosh Kumar, R/o Nagla, Main Road, Shanti Niketan, Madhaw Mills, P.S. - Malsalami, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-09-2025 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. 903 of 2019, dated
25.07.2019, registered for the offences punishable under Section
498A of IPC and Section 34 of Dowry Prohibition Act.

3. As per allegation, after the marriage in the year,
2017, the complainant-wife joined the matrimonial home of the
petitioner-husband and for few months, she was kept properly.
Thereafter, she was subjected to cruelty on account of non-
fulfillment of demand of additional dowry.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that on account of normal wear and tear of married life, the complainant-wife does not want to live with the petitioner-husband. However, the petitioner-husband is willing to keep the complainant-wife with all love and dignity. He further submits that the complainant-wife has filed one divorce petition and she is not interest to live with the petitioner-husband. He further 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 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 Complaint Case No. 903 of 2019, 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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