

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39058 of 2025

Arising Out of PS. Case No.-49 Year-2023 Thana- KATIHAR COMPLAINT CASE District-
Katihar

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Rohit Kumar Jha @ Rohit Kumar, Son of Dharmendra Jha, Resident of
Chandrama Chowk, P.s.-Muffasil, Distt.- Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Shivani Kumari D/O- Suresh Chandra Dubey R/O- Maheshpur, Post- Bijaili,
P.s.- Dandkhora, Distt.- Katihar.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 15-09-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with C.A Case No.49 of 2023, filed for the
offences punishable under Sections 498(A) and 4 of the D.P.
Act.

3. As per allegation, after the marriage, the
Complainant joined the matrimonial home of the Petitioner in
the year 2022, but soon thereafter, demand of additional dowry
of Rs.2,00,000/- started on the part of the Petitioner and his
family members and on account of non-fulfillment of the same,
she has been subjected to torture in several ways. As per further
allegation, the Petitioner/husband consumes liquor and in the
state of intoxication, he assaults the Complainant and at present,



she is living at her *maike*.

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, marriage is not working and the complainant/wife is unhappy, and hence, she has filed the present case. He also submits that he is ready to keep her with all love and dignity. He also submits that 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 as well as learned counsel for the Complainant vehemently oppose the prayer of the Petitioner for bail submitting that the Petitioner is not treating the Complainant/wife with love and dignity and he subjects her to cruelty. However, she is not willing to live with the Petitioner because as per the Complainant, he consumes liquor.

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 C.A Case No.49 of 2023, 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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