

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68433 of 2024

Arising Out of PS. Case No.-659 Year-2023 Thana- SAHAYAK NAGAR District- Katihar

Kanishk Kaushal S/o Ram Krishna Yadav Resident of Mohalla- Barmasia,
PO- Katihar, PS- Sahayak Katihar, Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Priya W/o Kanishk Kaushal, D/o Makeswar Prasad Yadav R/o vill
- Mushapur, P.O. - Mushapur, N.H. 31, P.S. - Korha, Distt. - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Narayan Yadav, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the O.P. No.2	:	Mr. Bimal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State as well as learned counsel for the O.P. No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Katihar Town (Sahayak) P.S. Case No.659 of
2023 dated 08.09.2023, registered for the offences punishable
under Sections 498(A) of the Indian Penal Code and ¾ of the
D.P. Act.

3. As per allegation, there was demand of additional
dowry and on account of non-fulfillment of the same, the
informant was subjected to physical and mental torturing and
ultimately, she was ousted from her matrimonial home.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that in fact, the marriage is not working and hence, this false matrimonial case has been filed. He further submits that petitioner has already filed divorce petition against the informant/wife and even wife has filed maintenance case before the Family Court. He further submits that there is general and omnibus allegation against the petitioner. He further submits that there is no instance of cruelty committed against the informant. 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, Ld. APP for the State and learned counsel for the O.P. No.2 vehemently oppose the prayer of the Petitioner for bail submitting that petitioner/husband is not maintaining his wife nor is he interested to keep her in her matrimonial home. Hence, she has filed a maintenance case and till date no amount has been paid by the petitioner/husband to informant/wife



towards her maintenance.

8. In view of the aforesaid facts and circumstances, it appears that there is matrimonial discord between the parties and the parties have already approached before the Family Court by way of matrimonial petition as well as maintenance case, **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 Ld. S.D.J.M., Katihar, in connection with Katihar Town (Sahayak) P.S. Case No. 659 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. 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, Ld. 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,



Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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