

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68576 of 2024**

Arising Out of PS. Case No.-110 Year-2024 Thana- SIKARPUR District- West Champaran

Amit Kumar Son of Late Chanchal Raut R/o Himalaya Cinema Chowk, Ward  
No. 22, PS- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Asha Devi W/o Amit Kumar, D/O Laldhar Raut R/o Himalaya Cinema Chowk, Ward No. 22, PS- Shikarpur, District- West Champaran

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate  
For the State : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      18-01-2025                      Heard Ld. counsel for the petitioner and Ld. APP for  
the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Sikarpur P.S. Case No. 110 of 2024 dated 17.02.2024, registered for the offences punishable under Section 498A of the Indian Penal Code and ¾ of the D.P. Act.

3. As per allegation, the informant/wife along with his children has been ousted from the matrimonial home and they are not being maintained by the husband-petitioner. As per further allegation, there is demand of additional dowry and on account of non-fulfillment of the same, the informant has been subjected to cruelty.

4. Ld. 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 living in adultery and she has not been ousted from her matrimonial home, but she has left it on her own. He further submits that there is no allegation of any physical torturing and allegation of demand of dowry is only superficial in nature. He also 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 vehemently opposes the prayer of the petitioner for bail submitting that the informant has been ousted from the matrimonial home and she is not being maintained by the husband-petitioner. He also submits that there is demand of additional dowry.

8. From the aforesaid facts and circumstances and rival submissions of the parties, it transpires that marriage is not working between the parties and the informant is not being maintained by the husband-petitioner. As such, the best course for the parties is to move Family Court for matrimonial and



maintenance petition.

9. Accordingly, **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. Additional Chief Judicial Magistrate, 6<sup>th</sup> Bettiah, West Champaran, in connection with Sikarpur P.S. Case No. 110 of 2024, 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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