

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68582 of 2024

Arising Out of PS. Case No.-147 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Ashish Kumar S/o- Manoj Prasad R/o- Prakash Nagar Narkatiyaganj Ps-
Shikarpur District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Kumari w/o- Ashish Kumar, D/o- Prabhu Sah R/o- Prakash Nagar
Narkatiyaganj Ps- Shikarpur District- West Champaran, P/A- Jhauwaram Ps-
Dhaka Dist- E.Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP
For the O.P. No. 2	:	Mr. Yogendra Kumar Dwivedi, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2. The petitioner seeks bail, apprehending his arrest,
in connection with Trial No. 2218 of 2022, corresponding to
2087 of 2023, arising out of Complaint Case No. 147 of 2022,
filed for the offences punishable under Section 498A of the
Indian Penal Code and Section 3/4 of the D.P. Act.

3. As per allegation, there was additional demand of
dowry and on account of non-fulfillment of the same, the
complainant has been subjected to cruelty and she is not being
maintained by the petitioner as well as the petitioner has illicit
relationship.

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 marriage is not working on account of suspicion of the informant-wife that the petitioner is living in adultery. Hence, the complainant has left the matrimonial home on her own. He further submits that there is no specific allegation regarding any physical torturing and allegation of demand of dowry and torturing is superficial in nature.

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 the complainant is not being maintained by the petitioner-husband. The matter was even tried to be settled by panchayati, but the petitioner has not even followed the order of the panchayat.

8. From the facts and circumstances of the case and rival submissions of the parties, it transpires that there is matrimonial discord and hence, better course for the parties is to



move Family Court to resolve their dispute.

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. Sub-divisional Judicial Magistrate, Sikrahna at Dhaka, East Champaran, in connection with Complaint Case No. 147 of 2022, 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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