

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73720 of 2024

Arising Out of PS. Case No.-576 Year-2023 Thana- BARHARA District- Bhojpur

Amit Kumar, S/O Lalan Ram, R/O Village- Mahudahi, P.S- Barahara, Distt.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anamika Kumari, W/O Amit Kumar, D/O Vikramaditya Paswan, R/O Village- Mahudahi, P.S- Barahara, Distt.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Gopal Govind Mishra, Advocate.
For the State	:	Ms. Madhuri Lata, APP
For the Opposite Party No. 2:	:	Mr. Manoj Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the Opposite Party No. 2.

2. The petitioner seeks bail, apprehending his arrest, in connection with Barahara P.S. Case No. 576 of 2023, dated 2.10.2023 registered for the offences punishable under Sections 498(A), 379 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per allegation, the petitioner is husband of the informant, Anamika Kumari, and prior to the marriage between two, there was a love affair between them and subsequently, marriage was solemnized. However, subsequent to the marriage,



the informant/wife is being subjected to cruelty for non-fulfillment of additional demand of dowry. The informant wants to live with the petitioner but he is not keeping her in the matrimonial home and threatening to solemnize another marriage.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. As a matter of fact, the marriage is not working and the informant/wife has left the matrimonial home on her own and petitioner is ready to keep her. He further submits that the maximum punishment prescribed for the alleged offence is 3 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 antecedent.

7. However, learned APP for the State and learned counsel for the Opposite Party No. 2 vehemently oppose the prayer of the Petitioner for bail. Learned counsel for the Opposite Party No. 2 submits that the informant is willing to live with the petitioner but he is not keeping her in the



matrimonial home.

8. From the alleged facts and circumstances of the case and rival submission of the parties, it appears that there is marital discord between the parties. The marriage is not working and the remedy for both the parties lies with Family Court under the matrimonial law. They are advised to go to the Family Court to adjudicate the dispute.

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 Chief Judicial Magistrate, Ara, in connection with Barahara P.S. Case No. 576 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.PC 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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