

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73916 of 2024

Arising Out of PS. Case No.-495 Year-2022 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Pappu Kumar S/O Ramashish Bhagat R/O Village- Kagzi Mohalla, Post and
P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dolly Devi @ Pammy Kumari W/O Pappu Kumar R/O Kagzi Mohalla, P.S-
Obra, Distt.- Arangabad at present D/O Sri Surendra Bhagat, R/O Village-
Bedhna, P.S- Dhibra, Post- Malhara, Distt.- Aurangabad (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the O.P. No. 2	:	Mr. Abhishek Singh, Advocate
		Ms. Nirmala Singh, Advocate
		Ms. Bharti Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-01-2025 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 Complaint Case No. 495 of 2022, filed for

the offences punishable under Sections 323 and 498A of the

Indian Penal Code and Section 4 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

complainant has been subjected to cruelty and she is not being

maintained by the petitioner.

4. Ld. 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 matrimonial discord, this false Complaint Case has been lodged against the Petitioner. 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 the complainant is not being maintained by the petitioner-husband.

8. From the alleged facts and circumstances of the case and rival submissions of the parties, it appears that there is matrimonial discord between the parties and hence, better course for them is to move Family Court to resolve their disputes.

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, Aurangabad in connection with Complaint Case No. 495 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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