

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77434 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- MUFFASIL District- Aurangabad

Vikash Kumar Son of Ram Lakhan Yadav R/O Vill.- Udham Bigha, P.S.- Deo,
Dist.- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi Wife of Vikash Kumar R/O Vill.- Udham Bigha, P.S.- Deo,
Dist.- Aurangabad. At present D/O Bishunpat Yadav, R/O Vill.- Nepwa, P.S.-
Aurangabad Mufassil, Dist.- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Malti Kumari, Advocate
For the State	:	Mr. Ramesh Chandra, APP
For the Informant	:	Ms. Mukul Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with G.R. No. 247 of 2024, arising out of
Aurangabad (Muffasil) P.S. Case No. 47 of 2024 dated
28.01.2024, registered for the offences punishable under Section
498A of the Indian Penal Code and Section 3/4 of D.P. Act.

3. As per allegation, informant has been subjected to
cruelty by the petitioner-husband on account of non-fulfillment
of demand of dowry. It is also alleged that the petitioner-
husband has illicit relationship with another lady.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that marriage is not working between the parties and hence, this false case has been filed against the petitioner. He further submits that the petitioner has also denied that any second marriage or any illicit relationship with another lady. 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 one criminal antecedent.

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.

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 Ld. Chief Judicial Magistrate, Aurangabad in connection with G.R. No. 247 of 2024, arising out of Aurangabad (Muffasil) P.S. Case No. 47 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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