

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77465 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- MAHILA P.S. District- Nalanda

Makardhvaj Bind @ Raju Kumar Son of Late Jadu Bind Resident of Jagdishpur Tiary, P.S.- Noorsarai, Dist.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhanmanti Devi Wife of Makardhvaj Bind @ Raju Kumar, D/O Surendra Bind R/O Gangata, P.S.- Harnout, Gokulpur O.P., Dist.- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Ranjan, Advocate
For the State : Mr. Sanjay Kumar Sharma, APP

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 Mahila P.S. Case No. 37 of 2023 dated 11.07.2023, registered for the offences punishable under Sections 498A, 494, 341, 323, 504 and 506/34 of the Indian Penal Code and ¾ of the D.P. Act.

3. As per allegation, marriage between the informant/wife and the petitioner/husband was solemnized 20 years back as per Hindu Rites and Customs and one daughter was born out of the wedlock. It is further alleged that there was additional demand of dowry from the informant and on account



of non-fulfillment of the same, she was subjected to cruelty. It is also alleged that the petitioner has solemnized second marriage.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the present false case has been filed by the informant/wife after two years of marriage. It clearly shows that how the informant is filed false case on account of some wear and tear of married life. The petitioner also denied that the second marriage has been solemnized.

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.

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. Sub-divisional Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Mahila P.S. Case No. 37 of 2023, 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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