

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74135 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Rohit Kumar @ Rohit Singh Son of Lalitesh Singh @ Lalitesh Kumar Singh
Resident of Village- Vrindavan, Co-operative Colony, Ps- Sarai Thela, Distt-
Dhanbad, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Wife of Rohit Kumar @ Rohit Singh Resident of Village-
Bachchappar, Ps- Shahkund, Distt- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Pandey, Advocate
For the State	:	Dr. Indihar Kumari, APP
For the Opposite Party/s	:	Mr. Sushil Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-01-2025 Heard Mr. Satish Kumar Pandey, learned counsel

for the petitioner, Mr. Sushil Kumar Jha, learned counsel

appearing on behalf of the Opposite Party No. 2 as well as Dr.

Indihar Kumari, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 18 of 2022 for the offences
punishable under Sections 323, 498A, 504 and 34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. According to prosecution case, the complainant
was subjected to mental and physical cruelty by all the accused



persons including the petitioner due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint case is false and fabricated and the petitioner has not committed any offences as alleged in the complaint case. In fact, the complainant does not want to stay in her matrimonial house and even she does not want to continue her matrimonial life with her husband. He further submits that despite best efforts, the complainant did not returned to her matrimonial house. Then the petitioner has filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights which was registered as Case No. 592 of 2021 in the Family Court, Dhanbad in which a decree has been passed in favour of the petitioner and against the complainant but the complainant did not obeyed the order of the Family Court.

5. Learned counsel for the petitioner further submits that the petitioner had made a complaint dated 20.08.2021 before the Mahila Thana, Dhanbad and despite various notices given by the Mahila Thana to the complainant, she did not appear before the concerned authority.



6. Learned counsel for the petitioner submits that the opposite party had filed appeal against the order dated 30.03.2022 which was passed in Case No. 592 of 2021 before the Hon'ble Jharkhand High Court and the same was registered as First Appeal No. 111 of 2022. The Hon'ble Jharkhand High Court had passed the order/judgment in First Appeal No. 111 of 2022 dated 30.09.2024 in favour of the petitioner.

7. Learned counsel for the petitioner submits that it appears from the aforesaid that the complainant has harassed the petitioner and she is not willing to live with the petitioner.

8. Learned counsel appearing on behalf of the Opposite Party No. 2 has filed the counter affidavit stating therein that the complainant has no independent source of income. The complainant has filed Maintenance Case No. 191 of 2022 before the competent court of law and despite notice, the petitioner had not chosen to appear in the said maintenance case.

9. Learned counsel for the petitioner submits that the petitioner has given undertaking that the petitioner will appear in the aforesaid maintenance case through his advocate and he is willing to contest the matter.

10. The learned counsel appearing on behalf of the



Opposite Party No. 2 as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

11. Considering the aforesaid facts and circumstances that the present complaint petition has been filed after filing of the Case No. 592 of 2021 (Restitution of conjugal rights) against the Opposite Party No. 2 and the Opposite Party No. 2 in retaliation has filed the present complaint petition against the petitioner and his family members and apart from that the order passed in Case No. 592 of 2021 was in favour of the petitioner and the complainant has challenged the same before the Hon'ble Jharkhand High Court and the same was dismissed in First Appeal No. 111 of 2022 and despite all that, the complainant had not chosen to comply the orders of the Family Court as well as Hon'ble Jharkhand High Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 18 of 2022,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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