

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77567 of 2024

Arising Out of PS. Case No.-316 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Urmesh Kumar @ Umesh Kumar S/O Chandradeo Yadav R/O Mohalla-
Shastri Nagar, Near Jail Press, P.S- Rampur, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Kumari W/O Urmesh Kumar, D/O Kouleshwar Yadav R/O Village-
Darma, P.S- Upahara, Distt.- Auragabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Gupta, Advocate Mr. Deepak Kumar, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP
For the O.P. No. 2	:	Mr. Arvind Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-01-2025 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. 316 of 2021, filed for
the offences punishable under Section 498A of the Indian Penal
Code.

3. As per allegation, marriage between the
complainant/wife and the petitioner/husband was solemnized on
07.05.2019 and thereafter, she joined the matrimonial home of
the petitioner. It is further alleged that there was demand of
additional dowry and on account of non-fulfillment of the same,



the complainant was ousted from the matrimonial home. It is further stated that she is willing to live with petitioner-husband.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, the complainant/wife had illicit relationship with one Chhotu Kumar since prior to the marriage with the petitioner and once the petitioner came to know about the illicit relationship prior to the marriage, the petitioner has filed one matrimonial case under Section 12 of Hindu Marriage Act for declaring the marriage void and hence, when the informant received the notice of the matrimonial petition, this false case has been filed.

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-wife is willing to live with the petitioner-husband.

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. Judicial Magistrate-1st Class, Gaya, in connection with Complain Case No. 316 of 2021, 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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