

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77630 of 2024

Arising Out of PS. Case No.-577 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Jay Shankar Prasad Son of Harish Chandra Prasad @ Harisha Chandra Prasad
R/o - Belhi, P.S - Bahera, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vibha Kumari Wife of Jai Shankar Prasad Resident of Village- Belhi, P.S.-
Bahera, Distt.- Darbhanga, At present D/O- Yamuna Prasad Mahto, resident
of Village- Adalpur, P.S.- Lakhanaur, Distt.- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Shivnandan Bharti, 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 present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with C.R. No.
577 of 2023, dated 12.10.2023, filed for the offences punishable
under Sections 323, 342, 379, 392, 354, 498A, 504 and 506/34
of the Indian Penal Code and Section 34 of D.P Act.

3. As per the allegation, the marriage between the
parties was solemnized on 25.04.2021 and thereafter, she joined
the matrimonial home of the petitioner-husband. However,
additional demand of dowry started and on account of non-
fulfillment of the same, she was subjected to torture.



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, marriage is not working and the complainant has left the matrimonial home on her own and the petitioner-husband has filed matrimonial case under Section 9 of the Hindu Marriage Act. During this proceeding, the complainant joined the matrimonial home of the petitioner, but again she left the matrimonial home. Hence, the petitioner has filed the divorce petition.

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 petition that the petitioner has no 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. The rival submissions of the parties in the alleged facts and circumstances show that the marriage is not working between the parties and both the parties have already before the Family Court in matrimonial cases. It is better for them to resolve their matrimonial disputes by reconciliation.



9. 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. S.D.J.M., Jhanjharpur, Madhubani in connection with C.R. No. 577 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 criminal antecedents other than the disclosed one, 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)

ravishankar/shoaib

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