

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 86432 of 2024

Arising Out of PS. Case No.-1211 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE

District- Samastipur

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Suryadeep Kumar Son of Ram Khelawan Mahto @ Ram Khelawan Kumar
Resident of Village- Mohiuddinpur, PS- Warisnagar, Distt- Samastipur

... .. Petitioner

Versus

1. The State of Bihar
2. Bibha Kuamri Wife of Suryadeep Kumar and D/O- Baijnath Mahto Resident
of Village- Shivnagar, P.S.- Chakmehsi, Distt.- Samastipur

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Khushi Awadh, Advocate
For the State : Mr. Murli Dhar, APP
For the Informant : Mr. Shashank Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner and

learned APP for the State.



2. The petitioner seeks bail, apprehending his arrest, in connection with Complaint Case vide CR Case No.1211 of 2023, T.R. No. 4480 of 2023, registered for the offences punishable under Sections 498A, 323, 419, 420, 379 and 452 of the Indian Penal Code but process has been issued under Section 498A and 323 IPC.

3. As per allegation, the Complainant was married to the petitioner in the year 2020 and even a child is born out of the wedlock. However, on account of non-fulfillment of additional demand of dowry, she has been subjected to cruelty and ultimately, she was ousted from the matrimonial home. However, she has stated in her S.A. that if she is taken by the husband to his matrimonial home, she is ready to go with him.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the whole allegation of demand of dowry and torturing therefor is false and fabricated. In fact, she is not ready to live in her matrimonial home and she likes to live at her *maike*.

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, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. From the rival submissions of the parties, it appears that there is some matrimonial discord between the parties and it is better for them move family Court for restitution of conjugal rights or for maintenance, if any.

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 learned Judicial Magistrate-Ist Class, Samastipur, in connection with Complaint Case vide CR Case No.1211 of 2023, T.R. No. 4480 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.PC 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, learned 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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