

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87689 of 2024

Arising Out of PS. Case No.-695 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Birendra Kumar @Birendra Kumar Choudhary S/O Murari Choudhary
Resident of village Lakhaipur P.S.- Mohanpur, District Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajmanti Devi W/o- Birendra Kumar @ Birendra Kumar Choudhary and daughter of Jageshwar Chadhary Resident of her Maika's Village- Langoor Kalan, Post- Ambatari, P.S.- Mohanpur, District- Gaya (Bihar) and Resident of her Sasural's Village -Lakhaipur, P.S.- Mohanpur, District- Gaya (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the State : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Complaint Case No. 695 of 2022, filed for the offences punishable under Sections 498A, 323 and 341 of the Indian Penal Code and under Section 3 of Dowry Prohibition Act.

3. As per the allegation, the marriage between the complainant and the petitioner was solemnized in April, 2022 and after the marriage, she was kept by the petitioner properly and thereafter, there was demand for additional dowry and on



account of non-fulfillment of the same, she was subjected to cruelty. After 2 or 3 months of the marriage, informant came back to her maike but she wants to live in her sasural. A panchayati was also held but accused is not ready to keep her.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is no marriage solemnized at all between the petitioner and complainant. He further submits that this false case has been filed against the petitioner only to pressurize him to marry. He further submits that even during inquiry under Section 200 Cr.PC, she has clearly stated that she wants to live in her sasural and there is no specific allegation of any assault.

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 vehemently opposes the prayer of the Petitioner for bail.

8. Considering the content of the allegation, it appears that there is a dispute between the complainant and the



petitioner regarding the marriage and she wants to live with the petitioner. As such, the complainant has proper remedy to move the Family Court to resolve their matrimonial disputes

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. Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Complaint Case No. 695 of 2022, 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.)

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