

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9421 of 2025

Arising Out of PS. Case No.-102 Year-2023 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Birendra Singh @ Borendra Singh @ Virendra Singh, Son of Late Jangbahadur Singh, Resident of Village- Musepur, P.S.- Jehanabad (O.P. Karona), District- Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar
2. Anita Devi, Wife of Birendra Singh @ Borendra Singh @ Virendra Singh, D/o- Late Nageshwar Singh, Resident of Vill- Musepur, P.S.- Jehanabad (O.P. Karona), District- Jehanabad, At Present R/o- Vill- Kankubigha, P.S.- Ben, District- Nalanda.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Dheeraj Kumar, Advocate
For the State	:	Mr. Md. Iftekhar Mahmood, APP
For the O.P. No.2	:	Mr. Nityanand Niraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-05-2025 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 No.102 of 2023, filed for the offences punishable under Sections 323, 498(A), 380, 354 and 307 of the Indian Penal Code.

3. As per allegation, marriage between the petitioner and complainant was solemnized about 19 years ago and one daughter is also born out of the wedlock. However, on account of non-fulfillment of the illegal demand of dowry, the



complainant was subjected to cruelty and ultimately she was ousted from her matrimonial home. Hence, the Complaint was filed in the year 2015.

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 marriage is not working on account of suspicion of the Complaint/wife that the petitioner has illicit relationship with his *bhabhi*.

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 submitting that the husband/petitioner is not keeping his wife and child in his matrimonial home, nor is he paying any maintenance to them.

8. From the rival submissions of the parties it transpires that there is matrimonial dispute between the parties and the best remedy for them is to move Family Court for restitution of conjugal rights and maintenance.

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 concerned Court Below, in connection with Complaint Case No.102 of 2023, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 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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