

Arising Out of PS. Case No.-381 Year-2024 Thana- COMPLAINT CASE District-
Kishanganj

... .. Petitioner

Versus

- Opposite Parties

For the Petitioner : Mr. Raj Kumar, Advocate
For the State : Ms. Madhuri Lata, APP

3. As per allegation, the marriage between the Petitioner and the Complainant was solemnized in the year 2016 as per Islamic rites and customs and after six months there was demand of dowry and on account of non-fulfillment of the same, she has been subjected to torture. It is also alleged that



she has been ousted from the matrimonial home and the Petitioner has solemnized second marriage.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that on account of some wear and tear of married life some discerny has developed and this false case has been filed by the wife. He also submits that out of the wedlock, three children are born, one son and two daughters and the son is living with the Complainant/wife, whereas two daughters are living with him and he is also ready to keep his wife and son living at the *maike* of the complainant. He also submits that the maximum punishment prescribed for the alleged offence is three years.

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. 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.381 of 2024, 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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