

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33479 of 2016

Arising Out of PS.Case No. -903 Year- 2015 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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Babulal Sah @ Bikash Kumar S/o Krishna MOhan Sah Resident of
Village- Lutana Tola Gangapur, P.S. Sonamukhi, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Khusbu Devi W/o Babulal Sah @ Bikash Kumar D/o Mahendra Sah,
Resident of village – Sapha, P.S. Maheshkhut, District – Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 19-01-2017

Heard learned counsels for the petitioner, State

and the complainant-opposite party no.2.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-



fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the complainant Khusbhu Devi was married with one Sanjay Sah, whose name appeared in the voter list of Bhakhari Legislative Constituency under Begusarai district. The father of the petitioner filed Complaint Case No. 1122 of 2014 against the family members of the complainant on 08.10.2014 levelling accusation under Sections 323 and 365 of the Indian Penal Code specially alleging kidnapping of the petitioner at the hands of the family members of the complainant and forcibly married with the complainant.

It is submitted by learned counsel for the complainant that the marriage between the complainant and petitioner is admitted and the marriage still subsists and the complainant denies the factum of marriage with Sanjay Sah.

Considering the fact that the complaint case was filed by the petitioner side at earlier point of time and the marriage between the petitioner and the complainant is under cloud, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand)



with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Khagaria in connection with Complaint Case No. 903C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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