

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5155 of 2019

Arising Out of PS. Case No.-2612 Year-2017 Thana- COMPLAINT CASE District- Araria

Upendra Sah aged about 35 years, Sex-Male, Son of Shri Nunu Lal Sah
Resident of Village - Gopalpur Majhua, P. O. - Majhua, P.S. Forbesganj,
District-Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Nirmala Devi aged about 32 years, wife of Upendra Sah Resident of
Village - Chainpur, P. O. - Bhangai, P.S. Fulkaha, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Ashok Kumar Singh (App25)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-01-2019 The complainant appeared through her lawyer by
filing power. Let the same be kept on record.

Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P.

The petitioner apprehends his arrest in Complaint
Case No.2612-C/2017 registered under Sections 147, 323, 420,
498-A of the Indian Penal Code and Sections 3/4 of Dowry
Prohibition Act.

The petitioner is the husband. The complainant
alleged in the complainant petition that her marriage was
solemnised with the petitioner about 17 years ago and her father
gifted her different articles. She got four children from the



wedlock. Her husband is a drunkard. The complainant further alleged that one Sarwan Kumar is intended to purchase the land from the husband of the complainant. Thereafter, the husband of the complainant started subjecting her physical and mental torture.

The learned counsel for the petitioner submits that some dispute arose between husband and wife for selling of the land and for that, wife lodged this case making false and frivolous allegation.

On the other hand, learned counsel for the complainant submits that complainant also filed a maintenance case in which the petitioner was directed to pay a sum of Rs.2,000/- per month as maintenance but the petitioner is not paying the amount of maintenance to the complainant.

Considering the aforesaid facts and the fact that on bare perusal of the complaint petition, it appears that husband and wife got some difference on account of selling of land and for that, this case has been lodged, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Sub-Divisional
Judicial Magistrate, Araria in connection with Complaint Case
No.2612-C/2017, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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