

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27888 of 2019

Arising Out of PS. Case No.-1398 Year-2013 Thana- NAWADAH COMPLAINT CASE
District- Nawada

=====

Birju Sao @ Brijnandan Sao Son of Mahendra Sao, Resident of Village-Kumaitha, P.S-Halsi, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sinku Devi Wife of Birju Sao @ Brijnandan Sao, D/o Baleshwar Sao Resident of Village-Kumaitha, P.S-Halsi, District-Lakhisarai. At present Resident of Village-Shekodewra, P.S-Kaowakol, District-Nawada (Bihar).

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 09-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 1398 of 2013 in which cognizance has been taken under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

The allegation against the petitioner, as per complaint, that the marriage of the complainant was solemnized with the present petitioner on 15.06.2009. It has further been submitted that after sometime, in-laws and her husband started demand of Rs. 50,000/- for opening a shop, due to non-fulfillment of the same the complainant was being tortured physically and



mentally. On 15.03.2012 the complainant ousted her from her matrimonial home, after that *Panchayati* was held. Sum of Rs. 20,000/- was paid by the father of the complainant to the petitioner, but the petitioner has been torturing the complainant for the rest amount of Rs. 30,000/- and lastly on 05.08.2013, the complainant was ousted from her matrimonial home.

Learned counsel for the petitioner submits that the present complaint has been lodged with *mala fide* intention, inasmuch as the complainant has already married with another person, namely, Nepali Sao, in the year 2014 itself. He further submits that petitioner has also married with another girl.

Learned counsel for the petitioner submits that notice was issued to the complainant i.e. O.P. No.2 in order to explore the possibility of amicable settlement between the parties, but despite service of notice, O.P. No.2, chose not to appear before this Court.

After having heard learned counsel for the parties and taking into consideration the fact that there is no specific allegation against the petitioner, the allegation is general omnibus in nature and despite service of notice, the complainant chose not to appear before this Court, I am inclined to grant anticipatory bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Nawada in connection with Complaint Case No. 1398 of 2013; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

S.Katyayan/-

U		T	
---	--	---	--

