

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31403 of 2019

Arising Out of PS. Case No.-573 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Sachida Nand Kumar Sahani, Son of Chhote Lal Prasad @ Chhote Lal Prasad Sahani Resident of Budh Vihar Colony Block-B, Bhagwat Nagar, Kumhrar, P.S.-Agamkuan, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gayatri Prasad, Wife of Sachida Nand Kumar Sahani, Son of Chhote Lal Prasad Sahani @ Chhote Lal Prasad, Resident of Budh Vihar Colony Block-B, Bhagwat Nagar, Kumhrar, P.S.-Agamkuan, District-Patna at present Purainia, P.O-Dihari, P.S-Pipara, Punpun, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha
For the Opposite Party/s : Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 18-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.573 (C) of 2017 in which cognizance under
Section 323, 498A of I.P.C. read with Section ¾ of D.P. Act has
been taken.

The allegation against the petitioner is that the
marriage of complainant was solemnized on 11.03.2011 at
Gaya. It has further been alleged that after the marriage, the
couple went to Bengluru where the petitioner was employed in
Infosis and informant was working in Colabra Technology



Company. It has further been alleged that the petitioner got lucrative job at Sydney where the complainant also went to reside with the petitioner. Initially relation was normal in Sydney but later on petitioner started demanding a sum of Rs.10 lakhs from the complainant and her family members and due to non-fulfillment of the same, the complainant was tortured by the petitioner physically as well as mentally.

It appears that the matter was referred for Mediation but Mediation between the parties has failed. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and there is incompatible position between both the parties.

Learned counsel, Mr. Gagendra Kumar Jha, submits that petitioner is ready to pay a sum of Rs. 25,000/- to the complainant as a living cost to complainant and his daughter without prejudice to his rights and contentions and subject to final outcome of any matrimonial case filed between the parties. The offer made by the petitioner is not acceptable to learned counsel appearing for Opposite Party No.2, i.e., complainant and learned counsel for the complainant insisted that the bail application of the petitioner should be rejected.

Having regard to the facts that there is incompatibility



between the parties and the petitioner is ready to meet the expenses of his wife and his child but the complainant, i.e., Opposite Party No.2 insisted for rejection of bail application and not ready to resolve the issue for an inch and there is general and omnibus allegation against the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaudhi, Patna, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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