

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32144 of 2019

Arising Out of PS. Case No.-123 Year-2018 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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PAWAN SAH Son of Sri Suresh Sah Resident of Village-Bhainsadih, P.O-
Rohiyama, P.S-Beldaur, District-Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nitu Devi W/o Pawan Sah D/o Ashok Sah Resident of Teliyahatt, P.O-
Banma Itahri, P.S-Salkhua, District-Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Ratan Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-07-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Complaint Case No.123Cof 2018/347 of 2018, registered for
offences punishable under Sections 498(A) of the Indian Penal
Code.

Allegation against the petitioner is of assault and torture
with respect to demand of dowry against the petitioner and
other family members.

Submission of the learned counsel for the petitioner is
that the petitioner happens to be husband of the complainant
and the allegations are false and concocted as well as he is still



ready to keep her with dignity and care and for that he filed an appreciation for restitution of the conjugal right before the learned Principal Judge, Family Court, Khagaria but she did not appear on notice. It has also been submitted that later on even gazette notification has also been issued in that case under Section 9 of the Hindu Marriage Act. There is general and omnibus allegation against the petitioner and no specific allegation of assault has been mentioned against the petitioner.

Heard learned A.P.P. and perused the record, from which it appears that notice was issued to the O.P.no.2 and she has received the ordinary notice on 18.6.2019 and the registered notice has also been received by her but neither O.P.no.2 has appeared nor any Vakalatnama has been filed on her behalf.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Saharsa in connection with Complaint Case No.123/2018, subject to conditions as laid down under Section 438 (2) of the



Code of Criminal Procedure.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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