

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11852 of 2020

Arising Out of PS. Case No.-124 Year-2018 Thana- BENIPATTI District- Madhubani

Manager Sahni S/o Kailash Sahni R/o village- Ranipur Gulariya Tola, P.S.-
Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-06-2020 Heard learned counsel for the petitioner and learned APP
for the State, through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Benipatti P.S. Case No.124 of 2018, registered under sections 498A and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the F.I.R., the petitioner who is the husband of the informant and others are stated to have tortured the informant on non-fulfillment of demand of dowry of Rs.1 lac and a LED TV. It is further stated that the petitioner carried out the threats and has recently married for a second time.

It is submitted by learned counsel for the petitioner that the allegations as leveled in the F.I.R. are false and concocted. The informant has married some other persons and during pendency of this case, the petitioner had been enlarged on police bail. The petitioner has no criminal antecedent.



The application for bail is apposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, in the opinion of the Court, on having been enlarged on police bail, the application for anticipatory bail filed by the petitioner is not maintainable in view of the decision of this Court in the case of **Mahendra Prasad Singh versus State of Bihar** reported in **2004(3) PLJR 491**. As such the application for anticipatory bail is held to be not maintainable.

However, the instant application is disposed of in terms of the judgment in the case of **Mahendra Prasad Singh**(supra) with the direction that the petitioner must surrender before the Court of learned Sub Divisional Judicial Magistrate, Benipatti, Madhubani in connection with Benipatti P.S. Case No.124 of 2018 within eight weeks from today. The Court below shall consider the prayer for bail of the petitioner in accordance with law keeping in view the well established principle that a person who is already on bail shall not be denied such privilege unless there is any allegation of misuse etc.

The instant application stands disposed of.

(Partha Sarthy, J)

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