

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22370 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- BIHRA District- Saharsa

AMOD KUMAR SAH S/o Late Gopal Sah Resident of Bihra Bela, P.S.-Bihra,
District-Saharsa.

... .. Petitioner

Versus

1. The State of Bihar
2. Asha Devi W/o Amod Kumar Sah Resident of Bihra Bela, P.S.-Bihra,
District-Saharsa at present residing in Village-Ithara Ward No.6, P.S.-Sour
Bazar (Baidyanathpur O.P.), District-Saharsa.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma
For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 09-03-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Bihra P.S. Case No. 138 of 2019, registered for the offence
punishable under Sections 307 and 498(A)/34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

Despite service of notice on opposite party No.2,
she has not entered appearance.

The petitioner is the husband of opposite party
No.2. The allegation against the petitioner and his family
members is of pressurizing the family members of the informant
for fulfillment of demand of dowry. There is allegation of



physical and mental torture meted out to the informant by her in-laws. It is also alleged that the petitioner had pushed the informant into a river, from where she somehow rescued.

Learned counsel appearing on behalf of the petitioner has argued that the dispute between the petitioner and the informant is apparently matrimonial in nature and false allegations of demand of dowry and torture have been made in the First Information Report.

Be that as it may, considering the facts and circumstances, since there is no opposition for prayer for grant of bail by the informant despite service of notice, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa, in Bihra P.S. Case No. 138 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to



appear before the Court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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