

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35677 of 2021**

Arising Out of PS. Case No.-36 Year-2020 Thana- BARGAINIA District- Sitamarhi

SUBODH SAH @ SUBODH KUMAR Son of Ram Sewak Sah Resident of  
Village- Bisahi, P.S.- Sheohar, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. LALITA KUMARI WIFE OF SUBODH SAH, DAUGHTER OF HAJARI  
LAL SAH Resident of Village- Jamua, Ward No.-15, P.S.- Bairgania,  
District- Sitamarhi.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate  
For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      05-08-2021                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the  
defect(s), as pointed out by the office, within a period of four  
weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in connection  
with Bairgania P.S. case No.36/2020 registered under Sections  
341, 323, 498A, 504/34 of the Indian Penal Code and  $\frac{3}{4}$  of  
Dowry Prohibition Act.

Allegation against the petitioner is of committing  
torture upon the victim due to non-fulfilment of demand of  
dowry.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The case is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate I/c, Sitamarhi in connection with Bairgania P.S. case No.36/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection



with the aforesaid case.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

**(Sudhir Singh, J)**

Narendra/-

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