

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49436 of 2021**

Arising Out of PS. Case No.-1937 Year-2017 Thana- SIWAN COMPLAINT CASE District-  
Siwan

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SOMNATH SAH Son of Kishun Sah Resident of Village- Balapur, P.S.-  
Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi Wife of Somnath Sah, Daughter of Budhan Sah R/o Village-  
Balapur, P.s.- Barharia, District- Siwan.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mrs.Meena Singh, APP

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

ORAL ORDER

2      22-10-2021                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the Office, within a period  
of eight weeks.

The petitioner is apprehending his arrest in a case  
registered under Sections 323, 498(A), 406, 504 and 34 of the  
Indian Penal Code.

Allegation against the petitioner is of committing  
torture upon the victim due to non-fulfillment 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 due to petty family dispute. 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.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Complaint Case No. 1937 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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.

**(Sudhir Singh, J)**

Pankaj/-

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