

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16259 of 2021**

Arising Out of PS. Case No.-245 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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AMARJEET SAHANI SON OF LAXMAN SAHANI RESIDENT OF
VILLAGE-BADA WAISAH, PS-CHAKIA, DISTRICT-EAST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAROJ DEVI DAUGHTER OF HORIL SAHANI RESIDENT OF
VILLAGE- MEHWA, PS-SUGAULI, DISTRICT-EAST CHAMPARAN.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

- 3 21-02-2022 Heard learned counsel for the petitioner, Opposite

Party No.2 and learned APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
498(A) and 323 of the Indian Penal Code.

Notice was issued to the Opposite Party No.2, but
she did not appear.

It is a case of cruelty due to non-fulfilment of
dowry demand.

It is submitted by learned counsel for the
petitioner that the marriage of the petitioner with the



complainant was solemnized in the year 2005, hence, the provisions under Section 498A IPC shall not be attracted and the allegation against the petitioner is false and concocted. It is further submitted that petitioner is ready to keep the complainant as wife with full dignity and honour and her husband had to file Matrimonial Case No. 215 of 2020 for Restitution of Conjugal Rights. A statement to that effect has been made in para 10 of the petition.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Trial No.74 of 2019 arising out of Complaint Case No. C – 245 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the complainant wishes to reside with the petitioner, she will file a petition before learned Court below when it is expected from the learned Court below to



issue notice to the petitioner for his appearance before learned court below. On appearance, the petitioner will be under an obligation comply the undertaking given before this Court and will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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