

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13427 of 2022

Arising Out of PS. Case No.-1579 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Aman Sahni Son of Firangi Sahni Resident of village - Saligrami, P.S.-
Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baby Kumari Wife of Aman Sahni D/o - Kishundev Sahni, Presently
residing at Bari Balia North, P.S.- Balia, District - Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate. Mr. Ram Sumiran Rai, Advocate.
For the Opposite Party/s :		Mr. Jai Narain Thakur, APP.
For the Opposite party no.2:		Mr. Randhir Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-09-2022 Today this case has been listed on priority basis, on

the motion slip filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and Mr. Randhir Kumar, learned counsel for the
informant as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Complaint Case No. 1579(c) of 2017 for the
offences punishable under Sections 498(A), 323 and 406 of the



Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per prosecution case of the complainant, it appears that the marriage of the complainant was solemnized with the petitioner in the year of 2014, however, soon after the marriage, she was subjected to demand of dowry and torture and on account of non-fulfillment of demand of dowry, the petitioner and his family members assaulted her. It is further alleged that from their wedlock, a male child was born, who is now aged about 6 years. Other allegations have also been levelled against the petitioners and at present the counsel for the informant submitted that petitioner has solemnized second marriage and he is not ready to keep the complainant as his wife with all dignity.

It is submitted by the learned counsel appearing on behalf of the petitioner that admittedly the marriage was solemnized way back in the year of 2014 and prior to the institution of the present case, there has never been any complaint or FIR lodged against the petitioner against his conduct. He further submitted that there has never been any demand of dowry or torture, but on account of some dispute the present FIR has been instituted, though the petitioner was always ready to keep her, but it is the complainant, who does not



want to live with the petitioner. He also submitted that still the petitioner is ready to maintain his wife, who is living with son in her *Maika*.

On the other hand learned counsel for the complainant opposed the bail application and submitted that specific allegation has been levelled against the petitioner, who happens to be the husband that he has been regularly torturing and assaulting the complainant due to which she has been compelled to leave her *Sasural* and now she has been living in her *Maika* with her six years old son.

Learned APP for the State has also vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and the undertaking given by the petitioner before this court that he is ready to maintain his wife and son and for the said purpose, he is ready to give Rs.5,000/- per month, which would be deposited in the account of the complainant on every first week of each and every month till the settlement arrived at or the final disposal of the complaint case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rajiv Kumar,



learned Sub-Divisional Judicial Magistrate, Begusarai, in connection with Complaint Case No. 1579(c) of 2017, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

In case the petitioner will not honour the undertaking given before the court, the complainant will be at liberty to file an application for cancellation of his bail before the court below itself.

(Harish Kumar, J)

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