

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8420 of 2023

Arising Out of PS. Case No.-1480 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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ASHUTOSH BANKA Son of Shyam Kumar Banka @ Shyam Banka R/o North Saheb Ganj, Near Durga Mandir, Padrauna, P.s- Padrauna Dist- Kushinagar Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Surbhi Goyal D/o Shri Vijay Agrawal R/o Baba Handloom, Marwari Thakuwari Gali, Samastipur presently residing at Bangali Tola, Near Sekhtoli Masjid, near to station P.s- Muffasil Samastipur Town, Dist- Samastipur Bihar 848101.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sanchay Srivastava, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For O.P. No.2	:	Mr. Suneil Kumar Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-04-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Samastipur Complaint Case No.1480 of 2020, registered for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the D.P. Act.

The petitioner is said to have tortured the complainant physically and mentally for non-fulfillment of demand of additional dowry.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. The petitioner has got criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that petitioner has filed divorce case in the court of learned Principal Judge, Family Court, Kushi Nagar, Padrauna on 21.10.2020 and thereafter the present complaint case has been filed by the complainant on 22.12.2020. It is submitted that the complainant has also filed Case No.1100/2020 against the petitioner under Sections 18, 19, 20 and 21 of the Protection of Women from Domestic Violence Act, 2005 before the learned court below and the learned court below has passed ex-parte order against the petitioner directing him to pay Rs.25,000/- per month to the complainant. It is submitted that petitioner has challenged the ex-parte order before the learned District Judge and the learned District Judge has dismissed the petition filed by the petitioner. Thereafter the petitioner has challenged the ex-parte order before this Court and the same is still pending. It is further submitted that petitioner has already deposited Rs.1,00,000/- in the learned court below.

Learned APP for the State as well as learned counsel for the complainant opposed the prayer for grant of anticipatory bail to the petitioner.

Taking into consideration the facts aforesaid, let



petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur in connection with Samastipur Complaint Case No.1480 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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