

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16181 of 2023**

Arising Out of PS. Case No.-106 Year-2021 Thana- AURANGABAD COMPLAINT CASE  
District- Aurangabad

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Sobhan Sao @ Sobhan Kumar Son of Bhuletan Saw R/O Village - Khaira  
Mudla, P.S.- Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi @ Rekha Kumari Wife of Sobhan Sao @ Sobhan Kumar R/O  
village - Khaira Mudla, P.S.- Rafiganj, District - Aurangabad. At Present  
D/O Govind Saw, R/O Village - Ekauni, P.S.- Daudnagar, District -  
Aurangabad.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                             |
|--------------------------|---|-----------------------------|
| For the Petitioner/s     | : | Mrs. Mukul Kumari, Advocate |
| For the Opposite Party/s | : | Mrs. Pushpa Sinha.1, APP    |
| For the Complainant      | : | Mr. Aman Vishal, Advocate   |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      03-10-2023                      Heard learned counsel for the petitioner, learned  
  
counsel appearing on behalf of the complainant as well as Mrs.  
  
Pushpa Sinha, learned APP for the State.

2. The petitioner is apprehending his arrest in  
connection with Complaint Case No. 106 of 2021, Complaint  
Case dated 02.07.2021 for the offences punishable under  
Sections 120(A), 308, 323, 324, 498A/34 of the Indian Penal  
Code but the learned Magistrate has taken cognizance under  
Section 498A of the Indian Penal Code.

3. According to prosecution case, this complainant  
was being harassed and subjected to cruelty by her husband



(petitioner) for demand of Rs. 1 lakh and other households in dowry and on non-fulfillment of the same he drove her out of the matrimonial house.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R and he has never demanded any dowry from the family member of the complainant. She further submits that as per the allegation with respect to torture is concerned, this petitioner has never tortured the complainant and never harassed her. She further submits that from perusal of the impugned order it appears that the matter was referred to the mediation center to resolve the dispute between the parties but the report of the Mediation Center at Aurangabad dated 02.02.2023 reveals that reconciliation could not take place between the parties and the mediation proceeding has failed.

5. Learned counsel for the petitioner submits that despite of its best efforts the complainant is not living with him.

6. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor



have vehemently opposed the prayer for bail of the petitioner and submits that the allegation as alleged in the complaint petition was also supported by the statement of the complainant which was recorded under Section 200 of the Cr.P.C. and there is direct and specific allegation against the petitioner and other accused persons in the complaint petition.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Daudnagar Aurangabad in connection with Complaint Case No. 106 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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