

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20925 of 2023

Arising Out of PS. Case No.-61 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Devendra Sahani, aged about 25 years (M), Son of Baidhnath Sahani, R/V-
Bhopatpur, P.S.- Kotwa, Dist- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Priyanka Devi, aged about 23 years (F), daughter of Shobha Sahani, R/V-
Fultakiya, P.S.- Kesariya, Dist- East Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mrs. Asha Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 02-12-2023 This matter has been listed under the heading ‘For
Orders (on office notes)’.

2. From perusal of the office notes dated 24.11.2023,
it is evident that the notices were issued upon the opposite party
no. 2 under both process and the same has been received by the
opposite party no. 2 personally but she refused to grant receipt
thereof, as reported by the process server.

3. Considering the same, service of notices upon the
opposite party no. 2 deemed to be accepted as valid on refusal.

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



5. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

6. The petitioner is apprehending his arrest in connection with Complaint Case No. C-61 of 2020 dated 08.01.2020 registered for the offences punishable under Sections 323, 498A, 504 and 34 of the I.P.C.

7. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured and assaulted the complainant due to non-fulfilment of demand of Rs. 2,00,000/ and Motorcycle as dowry.

8. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. There is general and omnibus allegation against the petitioner. Learned counsel for the petitioner has relied upon the judgments 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” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another* (2022) 10 SCR 351 and *Md. Asfak*



Alam Vs. The State of Jharkhand & Anr. passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioner has further submitted that Section 498(A) of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

9. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

10. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran in Trial No. 320 of 2020, arising out of Complaint Case No. C-61 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

11. 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.

12. The application stands allowed.

(Chandra Prakash Singh, J)

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