

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37481 of 2022

Arising Out of PS. Case No.-915 Year-2016 Thana- COMPLAINT CASE District- Jamui

VINOD DAS Son of Pairu Das Resident of Village- Karuapathar, Police
Station- Chakai, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi Wife of Binod Das Resident of village- Karuwapathar, P.S.-
Chakai, District- Jamui, at present resident of Nakta Tola, P.S.- Chakai,
District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhauri Kamal Kishore Sahay, Advocate
For the State	:	Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 28-08-2023 Nobody appears on behalf of the opposite party No.2.

In this case, notice has been received by the father of the opposite party No. 2. Learned counsel for the petitioner, by filing a supplementary affidavit, submits that the opposite party No. 2 is residing with her father in the same house i.e. in her *maika*.

2. In that view of the matter, notice is deemed as validly served.

3. Heard learned counsel for the petitioner and the State.

4. The petitioner apprehends arrest in a case registered for the offences punishable under Section 498(A) of the Indian



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

5. As per prosecution case, all the named accused persons including this petitioner tortured and harassed the complainant for non-fulfillment of demand of dowry.

6. It is submitted on behalf of petitioner that petitioner happens to be husband of the complainant and present case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault against him. It is further submitted that petitioner is ready to keep the complainant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a judgment 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**.

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

8. Considering the aforesaid facts and circumstances, this anticipatory bail is allowed and it is ordered that let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamui in connection with Complaint Case No. 915C of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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