

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45296 of 2023

Arising Out of PS. Case No.-1176 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Rameshwar Sahani Son Of Hari Sahani Resident Of Village - Bardaha,
Madhubani Ghat, Ps- Muffasil, Distt- East Champaran At Motihari
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Puna Devi Wife Of Rameshwar Sahani Resident Of Village - Paydari
Ekawana, Ps- Chiraiya, Distt- East Champaran at Motihari.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

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

ORAL ORDER

4 07-11-2023 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.

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

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1176(C) of 2022, Tr. No.
2665 of 2023 dated 18.08.2022 registered for the offence
punishable under Sections 498A, 323 and 34 of the Indian Penal
Code.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the informant
mentally and physically due to non-fulfillment of demand of Rs.



5,00,000/- as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the complainant is not the legally wedded wife of the petitioner and the marriage of petitioner was solemnized with one Suman Devi. It is further submitted that the complainant is the wife of one Basudeo Sahani and this fact is also supported by the Aadhar Card of her daughter Nisha Kumari in which her father name is mentioned as Basudeo Sahani. It is further submitted that complainant has also solemnized second marriage with one Nandlal Sahani. The petitioner has relied upon the 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."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments 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.** The



petitioner has no criminal antecedent as stated in para 3 of the bail petition.

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

7. 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Champaran at Motihari in connection with Complainat Case No. 1176 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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