

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55450 of 2023**

Arising Out of PS. Case No.-1301 Year-2019 Thana- KATIHAR COMPLAINT CASE  
District- Katihar

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BALBIR SAHNI @ BALBIR KUMAR SAHNI S/o LATE MAHESH PRASAD SAHNI @ LATE MAHESH SAHNI Resident of village - Kheriya Nishad Tola, P.S. - Kursela, Distt. - Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Mamta Devi W/o Balbir Sahni, D/o Balram Chaudhary R/o vill - Kheriya Nishad Tola, P.S. - Kursela, Distt. - Katihar present resident at village - Colony no. 1, Satsang Baigana, P.O. - Katihar, P.s. - Katihar, Distt. - Katihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad  
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      12-12-2023                      Heard the parties.

2. Office pointed out that notice has been validly served upon the O.P. No.2, but nobody appeared on her behalf.

3. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 498A of the Indian Penal Code and Section 4 of D.P. Act.

4. Petitioner, who is the husband of O.P. No.2, is said to assaulted the O.P. No.2 and also ousted her out of her matrimonial house on the pretext of non-fulfillment of demand for dowry.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. He further submits that the



complainant herself does not wants to live with the petitioner because she is living with one Raj Kishore Sahni due to which she has made up a story and filed complaint case against the petitioner, which is also mentioned in para-9 of the bail application. Petitioner has no criminal antecedent.

6. Learned APP for the State opposed the prayer for anticipatory bail.

7. Having regard to the facts and circumstances of the case as well as considering the statement made in para-9 of the bail application and also that nobody has appeared on behalf of O.P. No.2 despite valid service of notice, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with C.A. No.1301/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

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