

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68238 of 2023

Arising Out of PS. Case No.-456 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Sanjit Kumar Sah @ Sanjit Sah, S/O Babulal Sah @ Babulal Shaw Resident
of Village - Govindpur, Po- Sosera, P.S. - Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar, Bihar.
2. Nisha Bharti D/O Rambabu Sah Resident of Village and P.o Baidyanathpur,
P.s. Rosera, District- Samastipur, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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

ORAL ORDER

2 31-10-2023 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 a case in

connection with Complaint Case No. 456 of 2022 registered for

the offences punishable u/ss 498A, 406, 420, 504, 354, 323, 379

and 506 read with section 34 of the Indian Penal Code and

section 3 of the DP Act.

4. As per the prosecution case, the petitioner and the

co-accused persons are alleged to have tortured the complainant



physically and mentally due to non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the complainant. Learned counsel has further submitted that the petitioner neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner. 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 at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition 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 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, Rosera, Samastipur in connection with Complaint Case No. 456 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with the following condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

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)

guddukr/-

U		T	
---	--	---	--

