

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73794 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- BETTIAH CITY District- West
Champaran

SHIBU RAM @ SATENDRA RAM S/o Adalat Ram R/o village- Math
Lohiyar Tola Tali, P.S.- Harsidhi, Distt- East Chamapran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Annu Devi W/o Shibu Ram @ Satendra Ram, D/o Rajkumar Ram At present
R/o - Ambedkar Colony Bswariya, P.S.- Bettiah Nagar, Distt- West
Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the State	:	Ms. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-09-2023 Heard learned counsel for the petitioner and the State.

2. In view of the jointness petition filed on behalf of
the petitioner, notice is deemed as validly served on opposite
party No. 2.

3. Despite valid service of notice, nobody appears on
behalf of the opposite party No. 2.

4. The petitioner apprehends arrest in a case registered
for the offences punishable under Sections 147, 148, 149,
498(A), 323, 504, 506, 313 of the Indian Penal Code and
Section 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 and after some time, she was ousted from the house.

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. Petitioner never demanded any dowry nor did he ever torture the complainant. 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 and in this regard he has filed matrimonial case before the Family Court, Motihari *vide* Case No. 165 of 2021 under Section 9 of the Hindu Marriage Act. 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 Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Nagar P. S. Case No. 204 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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