

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74537 of 2022

Arising Out of PS. Case No.-759 Year-2022 Thana- BRAHMPUR District- Buxar

SUBASH OJHA @ SUBASH CHANDRA OJHA @ SUBHASH CHANDRA OJHA S/O LATE RANG NATH OJHA Resident of village- Nimej, P.S.- Brahampur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANJU KUMARI W/O SUBHASH CHANDRA OJHA @ SUBASH OJHA Resident of village- Nimej, P.S.- Brahampur, District- Buxar, D/o Raj Kumar Pandey at present Address R/o Village- Devmalpur Bahudari, P.O.- Mahuar, P.S.- Shahpur, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the State : Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 26-09-2023 Heard learned counsel for the petitioner and the State.
2. Despite valid service of notice, nobody appears on behalf of the opposite party No. 2.
3. The petitioner apprehends arrest in a case registered for the offences punishable under Sections 341, 323, 379, 498(A), 504, 506/34 of the Indian Penal Code.
4. As per prosecution case, all the named accused persons including this petitioner tortured and harassed the informant for non-fulfillment of demand of dowry.
5. It is submitted on behalf of petitioner that petitioner happens to be husband of the informant and present case has been lodged due to petty family dispute. Petitioner never demanded dowry nor tortured the informant. 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**.

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

7. 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, Buxar in connection with Brahampur P. S. Case No. 759 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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