

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.527 of 2023**

Arising Out of PS. Case No.-893 Year-2020 Thana- SAHARSA COMPLAINT CASE  
District- Saharsa

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Sunil Sah, Son of Rudan Sah Resident of village - Aina Dih, P.S.- Mahishi,  
District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Devi, Wife of Sunil Sah D/o Lalan Sah, Resident of village -  
Sonbarsaraj, P.S.- Sonbarsaraj, District - Saharsa.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      29-03-2023                      Learned counsel for the petitioner is permitted to  
  
remove the defect(s), if any, as pointed out by the office, within  
  
a period of four weeks from today.

Heard Mr. Pramod Mishra, learned counsel for the  
petitioner and learned Additional Public Prosecutor for the  
State.

Application for grant of bail to the petitioner, who is  
in custody in connection with Complaint Case No. 893C of  
2020, cognizance of which has been taken under Section 498A  
of the Indian Penal Code.

As per the complaint case, it is alleged that marriage  
of the complainant was solemnized with the petitioner some



time in the year 2011 and from their wedlock 2 children were born. It is alleged that at the time of marriage sufficient dowry was given, however, despite that the petitioner and his family members have been indulged in demand of dowry and torture. It is further alleged that on 02.12.2020 all the accused persons have mercilessly beaten her and ousted her from the matrimonial house.

Learned counsel appearing on behalf of the petitioner submits that admittedly the marriage was solemnized in the year 2011 and prior to the institution of this complaint, there had never been any allegation of demand of dowry or complaint with regard to torture. He next submits that there was cordial relationship with the spouses, however, on account of some trivial issues, at the instance of the family members of the complainant, the present complaint has been instituted. He lastly submits that be that as it may, the petitioner has remained in custody for over a period of 7 months and he has already been punished sufficiently.

On the other hand, learned APP for the State opposed the bail application and submits that the specific allegation has been levelled against the petitioner, who happens to be the husband of the complainant.



Regard being had to the submissions made on behalf of the parties and considering the period of custody, let the petitioner abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Judicial Magistrate 1<sup>st</sup> Class, Saharsa in connection with Complaint Case No. 893C of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

Anjani/-

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