

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4620 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- NAANPUR District- Sitamarhi

BITTU DAS @ BITU KUMAR SON OF SANTOSH DAS @ SANTOSHI
DAS R/O VILLAGE- BHALOHIYA, P.S.- NANPUR, DISTRICT-
SITAMARHI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PAWAN DEVI WIFE OF BITTU DAS R/O VILLAGE- BHALOHIYA,
P.S.- NANPUR, DISTRICT- SITAMARHI

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ranjeet Kumar Mishra, Advocate
For the State	:	Mr. Sanjay Kumar, APP
For Opposite Party No.2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-09-2024 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for 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, 498A, 504
and 34 of the Indian Penal Code.

4. The prosecution case in brief is that marriage of the
informant/Opposite Party No. 2 was solemnized with this
petitioner on 25.05.2017 as per Hindu rites and rituals and
thereafter, when she went to reside at her matrimonial house,
she was subjected to cruelty and harassment by this petitioner



and other accused persons due to non-fulfillment of demand of dowry and ultimately, she was ousted from her matrimonial house. It is further alleged that the petitioner has also fled away with another girl, namely Punita Kumari, for which Nanpur P.S. Case No. 403 of 2021 has been registered.

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. There is general and omnibus allegation of commission of assault against him. As a matter of fact, the petitioner at no point of time demanded any dowry or committed torture. It is further submitted that petitioner is ready to keep the informant, 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, the prayer for grant of anticipatory bail to the petitioner is allowed.



8. Accordingly, let the above named petitioner, in the event of his arrest/surrender within a period of eight 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, Sitamarhi, in connection with Nanpur P.S. Case No. 139 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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