

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6007 of 2024

Arising Out of PS. Case No.-441 Year-2023 Thana- SAHARSA SADAR District- Saharsa

SANTOSH KUMAR DAS Son of Late Prakash Das Resident of Village-Sarahi, Ward No. 5, P.S.-Saharsa, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NEHA KUMARI W/o Santosh Kumar Das, D/o Narayan Das Resident of Village-Sarahi, Ward No. 5, P.S.-Saharsa, District-Saharsa. At Present- Resident of Village-Dharhara, Ward No. 1, Post-Muradpur, P.S.-Nawhatta, District-Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pramod Mishra, Adv.
For the Opposite Party/s :	Mr.Kanhiya Kishor, APP.
	Mr. Diwakar Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-07-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 498(A), 504, 506/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. Petitioner, who is husband of informant, is said to have tortured upon her physically and mentally and ousted her from her matrimonial home in association of his family members over the dowry demand.

4. It is submitted by learned counsel for the petitioner



that the petitioner is an innocent person and has committed no offence. Petitioner has neither made any dowry demand nor drove the informant out of her matrimonial home nor tormented her over the demand of dowry. All the allegation levelled against the petitioner is totally false and based on concocted facts. He has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that petitioner is not ready to keep his wife with honour and dignity. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the period of punishment awarded under Section 498A i.e. 3 years, the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Saharsa Case No. 441 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



7. 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.

8. Accordingly, the writ application stands allowed.

(Anjani Kumar Sharan, J)

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