

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16736 of 2024

Arising Out of PS. Case No.-1776 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Shailesh Sah @ Shailesh Kumar Sah @ Sailesh Sah Son of Late Shankar Sah
Resident of Village- Madarpur, Police Station- Basantpur, Dist.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nita Devi @ Neeta Devi Wife of Late Parmeshwar Sah Resident of Village- Madarpur, Police Station- Basantpur, District- Siwan. At present daughter of Anirudh Sah, R/o Village- Sirisiya, Police Station- Kuchaikote, District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-03-2024 Heard Mr. Lokesh Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner, who happens to be brother-in-law of the complainant (O.P. No.2) is apprehending his arrest in connection with Complaint Case No. 1776 of 2022, wherein the cognizance has been taken for the offences punishable under Sections 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegedly, the marriage of the complainant was solemnized with the brother of the petitioner in the year 2008, and the couple also beget two male children. However, after the



death of the husband of the complainant, all the accused persons including the petitioner started subjecting her to demand of dowry and on non-fulfillment of the same, she was tortured in various ways, leading to filing of the present complaint case.

4. Learned counsel for the petitioner submits that the marriage was admittedly solemnized in the year 2008, and as such, at this belated stage, any demand of dowry and cruelty, do not inspire any confidence. He further submits that the complainant has two sons and all the family members are jointly residing in the same house and only on account of objection being made by the petitioner when the complainant made a demand of partition, the present complaint has been filed with false and frivolous allegations.

5. Learned counsel for the State, opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the marriage of the complainant took place in the year 2008 and the petitioner is the brother-in-law as also the learned court below has taken cognizance only under Section 498A of I.P.C. and Section 3/4 of the D.P. Act, coupled with the fair antecedent, let 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 1776 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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