

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16713 of 2024

Arising Out of PS. Case No.-1966 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Bala Lakhindra Sahani S/o Harendra Sahani Resident of Village- Mathiya
Madhubani Ghat, P.S.- Muffasil Motihari, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheema Devi W/o Bala Lakhindra Sahani Resident of Village- Mathiya
Madhubani Ghat, P.S. Muffasil Motihari, District- East Champaran. Make
R/o Village Keathawaliya P.S.- Sugauli Post- Keathawaliya District- East
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 04-07-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State. Despite valid service of notice, nobody

appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no.

2, apprehends his arrest in a complaint case punishable for the

offence under Sections 341 , 323 , 504, 379, 498(A), 307 and 34

of the Indian Penal Code .

3. As per complaint, the complainant was married

with this petitioner in the year 2009 and after the marriage,

when she went to her matrimonial house, she was subjected to

torture and cruelty by this petitioner and other in-laws family

members due to non-fulfillment of demand of dowry and lastly,



she was ousted from her matrimonial house .

4. Learned counsel for the petitioner, while denying the allegations made in the Complaint, submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the opposite party no. 2. However, he is ready to keep the opposite party no. 2 with full honour and dignity. He further submits that complainant did not want to live with the petitioner and in this regard she has already filed a matrimonial case i.e. Matrimonial Case No. 228 of 2020 . Moreover, the case is triable by the learned Magistrate. The petitioner has further relied upon the 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* . Petitioner claims clean antecedent.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let this petitioner, as named above, 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 the learned Judicial Magistrate Sadar, Motihari East Champaran in connection with Complaint Case No. 1966 of 2019, subject to the conditions, as laid down under Section



438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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