

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20089 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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KAMALESH SAHNI S/O- BAIJNATH SAHNI R/O- VILLAGE-
JAGDISHPUR, WARD NO.- 05, P.S.- SARAIRANJAN (GATHO O.P.),
DIST.- SAMASTIPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KAJAL KUMARI W/O- KAMALESH SAHNI R/O- VILLAGE-
JAGDISHPUR, WARD NO.- 05, P.S.- SARAIRANJAN (GATHO O.P.),
DIST.- SAMASTIPUR, AT PRESENT KAJAL KUMARI DAUGHTER OF
KULDEEP SAHNI, RESIDENT OF VILLAGE- BELSANDI DIH, WARD
NO. 07, P.S.- VIBHUTIPUR, DIST.- SAMASTIPUR.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Surya Narayan Roy, Advocate
For the State	:	Mr. Parmanand Prasad, APP
For Opposite Party No.2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-08-2024 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 complaint
case registered for the offences punishable under Sections 498A
and 494 of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

4. The prosecution case in brief is that the
complainant/Opposite Party No. 2 got married to this petitioner



on 29.04.2018 and after some time, this petitioner, along with other accused persons, started demanding dowry and due to non-fulfillment of the same, they subjected her to cruelty and harassment.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the complainant 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 complainant, 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**. Petitioner claims clean antecedents.

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 six 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 S.D.J.M., Samastipur, in connection with Complaint Case No. 137 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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