

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24642 of 2024

Arising Out of Case No.-1271 Year-2019 BEGUSARAI COMPLAINT CASE District-
Begusarai

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Ajay Kumar Sahni @ Ajay Sahni Son of Late Mahavir Sahni Resident of
Village- Bariyarpur Paschim, Ward No.-7, P.S.- Khodawandpur, Dist.-
Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Kumari Wife of Ajay Sahni Resident of Village- Bariyarpur Paschimi,
Ward No. -07, P.S.- Khodawandpur, Dist.- Begusarai, At present D/o Anandi
Sahni, Resident of Village- Manikpur, P.S.- Garhpura, Dist.- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Adv.
For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 26-10-2024 Heard Mr. Anshu Dhar Sharma, learned counsel for
the petitioner and Mr. Akbar Ali, learned APP for the.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1271C/ 2019 registered for the
offence(s) punishable under Section(s) 498A of the Indian Penal
Code and section(s) 3/4 of the Dowry Prohibition Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is the husband of
the O.P. No.2 who has filed the complaint case against the
petitioner and on that basis cognizance for the offences
punishable under section 498A of the IPC and section(s) 3/4 of



the Dowry Prohibition Act has been taken against the petitioner, though, against the petitioner, there is criminal antecedent of one case but the same relates to the different kind of offences under the IPC as well as SC/ST Act and so far as the merit of the allegation is concerned, the marriage of the O.P. No.2 with petitioner took place in the year 2013 and between the period 2013 to 2019 the complainant resided at her *Sasural* only for some period and she herself is not ready to reside at her matrimonial house though the petitioner is still ready to keep his wife with full dignity and the complainant has not appeared before this court despite receiving the notice personally and she has no interest in resuming the conjugal relationship with the petitioner. It is further submitted that there is no evidence with regard to alleged physical cruelty.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the facts and circumstances of this case as well as the above submissions and mainly the facts that as per statement of the complainant, she resided at her *Naihar* in most of the period after her marriage with the petitioner which appears to be the genesis of the occurrence and further there is no medical evidence to support the allegation of physical



cruelty, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. Accordingly, let the petitioner named- above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Complaint No. 1271C/ 2019 on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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