

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32486 of 2024

Arising Out of PS. Case No.-2101 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Subhash Kumar Das SON OF LAKHAN DAS RESIDENT OF VILLAGE-
NAYATOLA, BHAWARA KOTHI, PS- MUFFASIL, DIST- KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. SANJU DEVI WIFE OF SUBHASH KUMAR DAS RESIDENT OF
VILLAGE- BABHANGAON, PS- KADWA, DIST- KATIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Opposite Party/s : Mr. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 22-10-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Complaint Case No. 2101 of 2018, disclosing offences
under Sections 498-A/494 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report,
is that the marriage of the petitioner was solemnized with
the opposite party no. 2 about six years back and a child
was born from the wedlock. After some time, the
petitioner and his family members started demanding Rs.
2 Lakh as dowry. Due to non-fulfillment of the said



demand, the informant-opposite party no. 2 was tortured and assaulted by the accused persons and ousted her from matrimonial home.

4. Pursuant to the order, dated 22.05.2024, notice was issued to the opposite party no. 2, which has been served, however, today, when the matter was called out, no one appears on behalf of the complainant.
5. Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. The petitioner has falsely been implicated in the present case due to ulterior motive. He further submits that the petitioner is willing to keep his wife with full dignity and honour, however, the complainant, who is ill natured lady, does not want to live in her matrimonial home.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is ready and willing to keep the complainant with full dignity and honour and despite service of notice no one has appeared on behalf of the complainant before this Court, I am inclined to grant the petitioner privilege of anticipatory bail.



7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar, in connection with Complaint Case No. 2101 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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