

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34405 of 2024

Arising Out of PS. Case No.-1485 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Sharwan Kumar Sah @ Sharwan Sah @ Shrawan Prasad S/o- Late Baijnath
Sah Resident of Village- Baletha Gadhapati Siwan P.S.- Siwan Nagar District
- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Devi wife of Sharwan Sah @ Shrawan Prasad Resident of Village-
Baletha Gadhapati Ps- Siwan Nagar Dist- Siwan, at present R/o- Anjali Devi
D/o Shri Ram Sah, Village + PO- Barharia P.S.- Barharia District - Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Akshay Lal Pandit, Advocate Mr. Arvind Kumar, Advocate Mr. Rajesh Kumar, Advocate Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For O.P. No. 2	:	Mr. Javed Aslam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 17-12-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party

no. 2/complainant.

02. In the present case, the petitioner is apprehending

his arrest in connection with Complaint Case No. 1485(C) of

2023 filed for the alleged offences under Sections 498A, 323,

326, 406, 307, 504, 506/34 of the Indian Penal Code and

Sections 3/4 of the Dowry Prohibition Act.

03. As per prosecution case, the petitioner is the



husband of the complainant and the allegation against the petitioner and other co-accused persons is that they have been demanding cash of rupees two lakhs fifty thousand and ten dhurs land as dowry. When this demand was not fulfilled, they started torturing the complainant in various ways.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner never demanded any dowry and never tortured the informant and is always ready to keep the informant with honour and dignity along with his daughter. Learned counsel further submits that, however, in order to save the informant from destitution and vagrancy with a lurking hope that the issue may be reconciled in future, the petitioner is willing to make payment of Rs. 4,000/- per month to the informant towards their maintenance till disposal of the case before the learned trial court.

05. Learned A.P.P. for the State as well as learned counsel appearing for the opposite party no. 2/complainant vehemently oppose the submission made on behalf of the petitioner. Learned counsel appearing for the opposite party no. 2/complainant submits that the petitioner and other co-accused persons assaulted and tortured the complainant for non-



fulfillment of the demand of dowry.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the dispute between the parties, nature of allegation and the issues involved and also considering the undertaking of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Judicial Magistrate, Ist Class, Siwan in connection with Complaint Case No. 1485(C) of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) The petitioner would make payment of Rs.4,000/- per month on or before 10th day of each month till disposal of Complaint Case No. 1485(C) of 2023.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present



on each and every date fixed by the court below, if so required by the learned trial court.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

07. However, it is made clear that this amount will be subject to adjustment pursuant to further orders made by any competent court with regard to maintenance to the opposite party no. 2.

(Arun Kumar Jha, J)

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