

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38167 of 2024**

Arising Out of PS. Case No.-77 Year-2024 Thana- BACHHWARA District- Begusarai

Santosh Kumar S/O Kusheshwar Thakur @Kureshwar Thakur R/O Village-  
Godhna, ward no. 06, P.S. Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anuradha Kumari W/o-Santosh Kumar, D/o-Rajendra Thakur, Presently  
residing at maika Village namely-Kharmauli PO and PS- Birpur Dist-  
Begusarai

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Ramchandra Sahni

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5. 19-09-2024                      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 case registered for the offence under  
Sections 341, 323, 498A, 504, 506, 34 of the Indian Penal  
Code, Section 3/4 of the Dowry Prohibition Act and Section  
30(a) of Bihar Prohibition and Excise Act.

3. Allegation against petitioner is that he assaulted  
informant and so, informant called police and when police  
party came, petitioner fled away from the spot and informant  
produced the bag of this petitioner and on search, 18½ bottles  
each containing 750 ml. (total 13.875 liters) of foreign liquor  
was recovered.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case due to family feud. Petitioner happens to be husband of opposite party no. 2 and he never committed torture with her for dowry. No incriminating article has been recovered from the possession of this petitioner. The entire prosecution case is false and concocted. However, petitioner is still ready to keep the informant with full honour and dignity. Moreover, the case is triable by the learned Magistrate. Petitioner is an Army personnel and presently posted at Tejpur (Assam).

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of twelve 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 Exclusive Special Excise Judge – I, Begusarai in connection with Bachhwara P.S. Case No. 77 of 2024, 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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