

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40311 of 2024

Arising Out of PS. Case No.-344 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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DEEPAK SAH @ DEEPAK KUMAR S/O LATE MAHENDRA SAH R/O
VILLAGE- BHATNI BAZAR, WARD NO. 06, P.S- KUMARKHAND,
DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. LALITA DEVI W/O DEEPAK SAH @ DEEPAK KUMAR R/O VILLAGE-
BHATTNI BAZAR, WARD NO. 06, P.S- KUMARKHAND, DISTT.-
MADHEPURA, PRESENTLY, D/O LATE JEEVACH SAH, R/O
VILLAGE- PAHARI TOLA, KHUTAUNA, P.S- LAUKAHA, DISTT.-
MADHUBANI.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Jitendra Kumar Bharti, Advocate
For the State	:	Mr. Satyendra Prasad, APP
For Opposite Party No.2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-08-2024 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 case registered
for the offences punishable under Section 498A of the Indian
Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

4. The case of the complainant in short is that
complainant got married with this petitioner on 19.07.2017 as
per Hindu rites and customs and at the time of marriage, her



parents had gifted articles worth Rs. 5,00,000/-, gold jewellery and a motorcycle. Thereafter, the complainant went to live at her matrimonial house. Thereafter, this petitioner and other named accused persons started demanding dowry and due to non-fulfillment of the same, they committed torture and harassment and lastly, ousted the complainant from her matrimonial house.

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 Judicial Magistrate, First Class, Jhanjharpur, Dist.- Madhubani, in connection with C.R. Case No. 344 of 2021 (T.R. No. 974 of 2022), subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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