

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53123 of 2024

Arising Out of PS. Case No.-1151 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Shambhu Sahani, son of Ram Janam Sahani, Village- Sonrapur, PS-
Keshariya, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Devi, wife of Shambhu Sahani, D/o- Madan Sahani, Village-
Sonrapur, PS- Keshariya, Dist- East Champaran, A/P- Ussi, PS- Paru, Dist-
Muzaffarpur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the State	:	Ms. Sangeeta Sharma, APP
For the O.P. No. 2	:	Mr. Kundan Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-12-2024 Heard Mr. Anil Kumar, learned Advocate appearing

on behalf of the petitioner and Ms. Sangeeta Sharma, learned

Additional Public Prosecutor for the State. The opposite party

no. 2 is represented through Mr. Kundan Kumar, learned

Advocate.

2. The petitioner who happens to be husband of the

opposite party no. 2 is apprehending his arrest in connection

with Trial No. 724 of 2020 arising out of Complaint Case no. C-

1151 of 2020 instituted for the offences punishable under

Sections 323, 504, 498A & 34 of the Indian Penal Code.

3. It is alleged that the marriage of the petitioner was



solemnized with the opposite party no. 2 eleven years ago. The couple also blessed with four children. Initially there was a cordial relationship, however, two years before the institution of FIR the petitioner started demanding dowry and on account of non-fulfillment of the same, she was tortured in various ways. It is specifically alleged that on the fateful day, the petitioner alongwith other accused persons poured kerosene oil and tried to set her ablaze, however, she anyhow saved her life.

4. Learned Advocate appearing on behalf of the petitioner drawing the attention of this Court to the averments made in the complaint submitted that the complainant herself admitted that for so many years there was no demand for dowry and torture. In fact, on account of some suspicion of illicit relationship of the petitioner with another lady, the present case has been instituted, with a view to wreck vengeance and put pressure. The dispute has been referred to the Patna High Court Mediation Centre, but it did not resolve. It is next contended that there is no medical report which suggest that the opposite party no. 2 has sustained any injury; besides the allegation of pouring kerosene oil, there is no material suggesting that she had ever been tortured at the hands of the petitioner.



5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that apart from the specific allegation that the petitioner tried to set the opposite party no. 2 ablaze, he also ousted the complainant and her children. In case the petitioner shall be released on anticipatory bail, there is every chance of intimidating the complainant and her life may be put to danger.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the learned Court has taken cognizance only for the offences punishable under Section 498A/34 of the Indian Penal Code coupled with the fact that the marriage of the petitioner was solemnized a decade ago and the couple blessed with four children, that apart there is no material, *prima facie*, suggesting that she was subjected to torture, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court Judicial Magistrate, 1st Class, Sadar, Motihari, District East Champaran in connection with Trial No. 724 of 2020 arising out of



Complaint Case No. C-1151 of 2020, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

