

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59128 of 2024

Arising Out of PS. Case No.-483 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Rahul Sah @ Rahul Shankar Kumar Son of Sanjeev Sah @ Sanjiv Kumar R/o Village- Sarfuddinpur, P.S.- Bochhan, Distict- Muzaffarpur
 2. Sanjeev Sah @ Sanjiv Kumar Son of Garib Nath Sah R/o Village- Sarfuddinpur, P.S.- Bochhan, Distict- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari W/o Rahul Sah @ Rahul Shankar Kumar, D/o Ramsukh Sah R/o Village- Sarfuddinpur, P.S.- Bochhan, District- Muzaffarpur. At present resident of Village- Khirhar, P.S.- Khirhar, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-09-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for grant of anticipatory bail apprehending their arrest in connection with Madhubani Complaint Case P.S. Case no.483 of 2022 registered for the offence punishable under sections 498A, 323, 386, 380, 494 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per allegation in the complaint, the complainant states that she was married to the petitioner no.1 on 4.6.2021. Soon thereafter the accused persons started torturing



her for demand of dowry as stated in the complaint. This led to filing of the criminal case being Mahila P.S. Case no. 8 of 2022. The complainant further states that on the bail application of the accused persons having been rejected on 16.11.2022 they started to threaten the complainant and on 27.11.2022 at 11 pm entered in the house of the complainant and assaulted her. It is also stated on the point of pistol she was forced to sign on blank papers.

4. Learned counsel for the petitioners submits that the petitioners who happens to be the husband and father-in-law of the complainant have been falsely implicated in the case because of strained relation between the parties which would be evident from the complaint itself for which another case was registered by the complainant being Mahila P.S. Case no.8 of 2022. It is further submitted that so far as issuance of process under sections 82 and 83 of the Cr.P.C. are concerned the petitioner has not been declared a proclaimed offender by the learned trial Court.

5. The application for bail is opposed by learned APP for the State and learned counsel for the complainant. Learned counsel for the complainant submits that the petitioners who happen to be the husband and father-in-law of the



complainant are not only named in the complaint but there are specific allegation of threat and assault by them. It is further submitted that learned trial Court has proceeded under sections 82 and 83 of the Cr.P.C., as such application for anticipatory bail is not maintainable.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., the relation between the parties, the pending dispute including pendency of Mahila P.S. Case no.8 of 2022 rejection of bail in which is said to be the genesis of occurrence and the facts and circumstances of the case, it is directed that the both the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Madhubani Complaint Case P.S. Case no.483 of 2022 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Benipatti, Madhubani.

(Partha Sarthy, J)

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