

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62241 of 2023

Arising Out of PS. Case No.-1328 Year-2018 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Satendra Sah, Gender-Male, aged about 33 years, Son of Sheo Bachan Sah,
Resident of Village -Rampur, P.S -Siswan, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sandhya Devi, Gender-Female, aged about 30 years, wife of Satendra Sah,
Resident of Village-Panjwar, P.S Raghunathpur, District Siwan.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Javed Aslam, Advocate
For the Opposite Party No. 2: Mr. Nakul Kumar Jamuar, Advocate
For the State : Mr. Ajay Kumar Jha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 29-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned

counsel for the opposite party no. 2 and learned Additional

Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 1328 of 2018 dated

12.06.2018 registered for the offences punishable under

Sections 147, 149, 323, 328, 511, 406, 498A, 504 and 506/34 of

the I.P.C. in which cognizance has been taken only under



Section 498A of the I.P.C.

4. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of a bullet motorcycle as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the father of the complainant got the marriage her daughter contracted with the petitioner against her will because the economical condition of the petitioner is very poor in comparison of the complainant resulting dispute between them. It is further submitted that the complainant does not want to live in her matrimonial house and she always wants to live at her maike. It is further submitted that the petitioner is ready to settle the dispute between them as stated in paragraph no. 10 of the bail application. Learned counsel for the petitioner has relied upon the judgments 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*” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Siwan in connection with Complaint Case No. 1328 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

I. The petitioner is directed to remain



physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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