

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70849 of 2023

Arising Out of PS. Case No.-869 Year-2012 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Manish Kumar Sah @ Manish Sah Son Of Prem Sagar Sah Vill-Chak Bidulia
Ps-Bibhutipur Dist-Samastipur Pin -848211

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sumitra Devi Daughter Of Shankar Sah Resident Of Baji Buzurg Ps-Sakra
Dist-Muzaffarpur Pin-843105

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raushan, Advocate
	:	Mr. Sahil Kumar, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 3 19-03-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Complaint case no. 869 of 2012, in which,
cognizance has been taken under Section 498A of the Indian
Penal Code and Section 4 of Dowry Prohibition Act.
3. The prosecution story, as per the complaint
petition, is that the marriage of the petitioner was solemnized
with the complainant- opposite party no. 2 on 18.02.2010. A
complaint has been filed in the year 2012 with the allegation



that after marriage, the petitioner demanded motorcycle as a dowry, *in lieu of* which, father of opposite party no. 2 had given Rs. 20,000/- and the opposite party no. 2 had come to her matrimonial home. But after some time, she was again tortured, due to which, she went back to her parent's home. Thereafter, petitioner came to his *sasural* and demanded Rs. 40,000/-, out of which, Rs. 10,000/- was given to him and then opposite party no. 2 was taken back to her matrimonial home but again, she was tortured and on 16.03.2012, she was ousted from her matrimonial home.

4. Learned Counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and was not aware about the complaint filed in the year, 2012, by his wife i.e. opposite party no. 2 from her parental home, however opposite party no. 2 continued to reside with the petitioner in her matrimonial home at Samastipur, which would be evident from the L.I.C. policy purchased by the petitioner in the name of the opposite party no. 2 on 28.10.2016. He further submits that on 14.08.2018, petitioner purchased a piece of land admeasuring 1.2 decimal in the name of opposite party no. 2, a copy of sale deed dated 14.08.2018 has been annexed as Annexure-3 to the present petition. Learned counsel also



submits that since the couple had no issue, as such, with the consent of opposite party no. 2, the petitioner performed second marriage in the year 2020 and even after second marriage, the opposite party no. 2 continued to reside with the petitioner but all of a sudden, in the year 2021, the opposite party no. 2 left her matrimonial home and started living at her parental home.

5. I have heard learned counsels for the petitioner and State, however, no one appears for opposite party no. 2, despite service of notice.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation made in the complaint, other attending documents relied upon by the petitioner and the fact that despite service of notice, no body has appeared on behalf of opposite party no. 2, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released 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 S.D.J.M. (East), Muzaffapur in



connection with Complaint case no. 869 of 2012, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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