

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68306 of 2023

Arising Out of PS. Case No.-1586 Year-2021 Thana- ARARIA District- Araria

NAND KISHOR PRASAD SAH S/O MAHENDRA PRASAD SAH R/O
VILL-GARHARA, WARD NO-08, PS-PALASI, DIST-ARARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BASANTI DEVI W/O NAND KISHOR PRASAD SAH PRESENTLY
RESIDING VILL-NAKTA(NAKTAKHURD), WARD NO-06, PS-
PALASI, DIST-ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Madhav Jha, Advocate Ms. Kanchan Jha, Advocate Mr. Nishant Choudhary, Advocate
For the State	:	Mr. Bharat Lal, APP
For Opposite Party No.2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 04-09-2024 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 Sections 498A, 354B and 323
of the Indian Penal Code.

4. The prosecution case in brief is that the
complainant got married with this petitioner almost 9 years
back. After sometime of marriage, this petitioner, along with
other accused persons, started demanding Rs. 20,000/- and one



cow as dowry and due to non-fulfillment of demand of dowry, the complainant was assaulted and ousted 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 eight 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, 2nd Class, Araria, in connection with Araria Complaint Case No. 1586C of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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