

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79660 of 2023

Arising Out of PS. Case No.-23 Year-2021 Thana- COMPLAINT CASE District- Araria

Rajendra Sah @ Rajendra Kr. Sah S/O Late Kishan Lal Sah Resident Of
Village - Sangora, P.S. - Palasi, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitu Devi W/O Rajendra Sah, D/O - Jagdish Prasad Sah Resident Of Village - Sangora, P.S. - Palasi, District - Araria, At Present Resident Of Village - Madanpur, P.S. Madanpur O.P. District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha, Adv.
For the State	:	Mr. Madan Kumar, APP
For the O.P. No. 2	:	NONE

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-07-2024 Despite valid service of notice, no one appears on behalf of the Opposite Party No. 2.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner apprehends his arrest in connection with Complaint Case No. 23C of 2021 registered under Section 498A of the Indian Penal Code.

4. The prosecution case, in brief, is that on 10.06.2014, the marriage of the complainant was solemnized with this petitioner according to Hindu Rites and Rituals. On marriage, complainant's parents gave Rs.51,000/- cash and one motorcycle, furniture, table utensils, clothes etc. worth Rs. 5



lakh. After some days of marriage, the accused persons including this petitioner demanded Rs. 2 lakh cash and Rs. 3 lakh more to buy a tampo, when complainant refused, all the accused persons started torturing her physically and mentally. It is further alleged that on 24.12.2020, the accused persons assaulted the complainant for non-fulfillment of demand of dowry and ouster her from the matrimonial house.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner happens to be husband of the complainant and present case has been lodged due to ulterior motive. There is general and omnibus allegation of commission of assault against him. It is further submitted that petitioner is ready to keep the complainant/opposite party no. 2, 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**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the



event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-I, Araria in connection with Complaint Case No. 23C of 2021, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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