

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80175 of 2023

Arising Out of PS. Case No.-63 Year-2021 Thana- MAHILA P.S District- Supaul

Shankar Sah son of Khusilal Sah Village- Bariya W.No-13, Ps- Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi wife of Shyam Sah Village- Belokhra Po- Dhuma Ps- Pipra Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Harun Quareshi, Adv.
For the State	:	Mr. Umeshanand Pandit, APP
For the O.P. No. 2	:	NONE

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-05-2024 Despite valid service of notice, no one appears on behalf of the Opposite Party No. 2.

2. Heard learned counsel for the petitioner and Mr. Umeshanand Pandit, learned Addl. Public Prosecutor for the State.

3. The petitioner apprehends his arrest in connection with Supaul Mahila P.S. Case No. 63 of 2021 registered under Sections 498A, 341, 323, 494, 504, 506, 379, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. As per prosecution case, all the named accused persons



including this petitioner tortured and harassed the complainant for non-fulfillment of demand of dowry.

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 petty family dispute. 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 Sub-Divisional Judicial Magistrate, Supaul in connection with Supaul Mahila P.S. Case



No. 63 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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