

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86197 of 2023

Arising Out of PS. Case No.-206 Year-2019 Thana- COMPLAINT CASE District- Sheohar

Ashok Sahni, aged about 23 years, male, son of Ramswaroop Sahni, Resident of Village- Fatahpur, P.S.- Sheohar District- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Sangita Devi, aged about 22 years, female, wife of Ashok Sahni, resident of village- Rewasi, P.S.- Hiramma, District- Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Devendra Kumar, Advocate
For the Opposite Party/s :	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Complaint Case No.206 of 2019 dated 22.08.2019, instituted under Sections 498-A of the Indian Penal Code.

3. The allegation against the petitioner is of demanding motorcycle as dowry and on account of non-fulfillment of the same the complainant was tortured, assaulted and finally ousted from her matrimonial home.

4. Learned counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant on 15.05.2019 as per hindu rites and ritual, but no child was born from the said wedlock during the period of three years. It is



further submitted that the allegation as levelled is false and as a matter of fact, the complainant herself left the matrimonial home just after five days of her marriage and since then she never came back. The petitioner had gone to take her back to the matrimonial home, but she refused to live with him. Thereafter, the petitioner was compelled to file matrimonial suit bearing Matrimonial Case No.18 of 2022 under Section 13(1)(i-a) of the Hindu Marriage Act for grant of decree of divorce. The Principal Judge, Family Court, Sheohar, after hearing the parties, has granted decree of divorce on 12.01.2023 and marriage between the petitioner and the complainant has been dissolved by the said decree of divorce. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar, in Complaint Case No. C-I 206 of 2019, subject to the conditions laid down in Section



438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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