

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.904 of 2024

Arising Out of PS. Case No.-697 Year-2023 Thana- COMPLAINT CASE District- Araria

Ganesh Sah @ Ganesh Kumar Sah, aged 26 years (M), S/o- Shankar Sah, R/o
Vill- Choura Parwaha, Ward No- 09, P.S- Forbesganj, Dist- Araria.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rani Kumari, aged 23 years (F), D/o- Dayanand Sah, W/o- Ganesh Sah, R/o
Vill- Ward No-2, Megara Medipur, P.S- Kursakanta, Dist- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ramesh Kumar Singh, Advocate
For the O.P. No. 2	:	M/S. Nishant Kumar Singh, Tarun Kumar Shekhar and Arvind Kumar, Advocates
For the State	:	Mrs. Asha Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 25-04-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 697 of 2023 dated
13.04.2023 registered for the offences punishable under
Sections 323, 324, 498A of the I.P.C. and Section 3/4 of the D.P.
Act in which cognizance has been taken for the offence
punishable under Section 498(A) of the I.P.C.

3. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the complainant



mentally and physically due to non-fulfilment of demand of Rs. 2,00,000/- as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that seeing ill behaviour of the opposite party no. 2 against the petitioner and his family members, the petitioner is ready for amicable settlement as stated in paragraph no. 7 of the bail petition. There is general and omnibus allegation against the petitioner. The opposite party no. 2 always put pressure on the petitioner to live separately from the other family members of the petitioner. Learned counsel for the petitioner has relied upon the judgments 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*” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*.



Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Araria in connection with Complaint Case No. 697 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-.

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



7. If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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