

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31024 of 2024

Arising Out of PS. Case No.-1507 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Nitin Sarna S/o Sushil Kumar Sarna R/o C 422, Rajajipuram, Near Gandhi Park, P.S. - Lucknow Town, Distt. - Lucknow (U.P)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nidhi W/o Nitin Sarna, D/o Neel Kamal R/o House No. 2, Punjabi Colony, Gali No. 3, Mohalla - Dharampur, P.s. - Samastipur town, Distt. - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rana Randhir Singh, A.P.P.
Mr. Madhav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-01-2025 Heard learned counsel for the petitioner, the State and the opposite party no.2.

2. Petitioner apprehends arrest in a case registered for the offence punishable under Sections 323, 498A, 406, 448, 504, 506 and 34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

3. As per the prosecution case, informant was married to the petitioner in the year 2018. Petitioner and opposite party no.2, both were divorcee from before. Later on, petitioner and his family members started subjecting her to harassment and cruelty for non-fulfilment of demand of dowry. Accused persons also ousted opposite party no.2 from her matrimonial house.

4. Learned counsel for the petitioner, while denying the allegations, submits that the petitioner has falsely been implicated in this case because he happens to be husband of



opposite party no.2. opposite party no.2 is of aggressive nature and she does not want to live in her matrimonial house. Petitioner has also filed Case No. 3856/2023 for restitution of conjugal rights (annexure P/2). However, the petitioner is ready to keep opposite party no.2 and her daughter. Petitioner has further relied upon the 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**.

5. Learned counsel for the State as well as opposite party no.2 oppose the prayer for bail.

6. In view of the aforesaid facts, in the event of arrest/surrender within a period of eight weeks from today, let the petitioner, above-named, 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 the Sub Divisional Judicial Magistrate, Samastipur in CR Case No. 1507/2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

Shashi

(Prabhat Kumar Singh, J)

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