

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33620 of 2025

Arising Out of PS. Case No.-537 Year-2021 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Ajit Sah son of Late Chaturi Sah Resident of village- R.s. Taink Ward no. 45,
PO -Laheriya PS- Bahadarpur District -Darbhanga Petitioner/s
Versus

1. The State of Bihar
2. Aarti Kumar wife of Ajit sah village- Beldaur, Ps- Beldaur, dist- Khagaria
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2025 Despite valid service of notice, no one appears on
behalf of Opposite Party No. 2.

2. Heard Mr. Santosh Kumar Singh, learned counsel
for the petitioner and Ms. Asha Kumari, learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Khagaria Complaint Case No. 537c of 2021 for
the offences punishable under Sections 323 and 498(A) of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

4. According to prosecution case, all the accused
persons including this petitioner tortured the complainant due to
non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation as alleged in the complaint petition. is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. Petitioner has been made accused merely on the ground that he is husband of the complainant. It appears from the complaint petition that the complainant has made accused mother-in-law, brother-in-law and other family members of the petitioner. It also appears from the complaint petition that there is no specific allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner but the learned Court below in a mechanical manner has taken cognizance only against the petitioner and one Uday Kumar Sah who is brother of the petitioner.

6. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 learned Sub Divisional Judicial Magistrate, Khagaria in connection with



Khagaria Complaint Case No. 537c of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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