

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45057 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- SARAN COMPLAINT CASE District-
Saran

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SARVAN KUMAR SON OF KALICHARAN MAHTO VILLAGE-
PACHLAKHDIH, P.S.- PARSA, DISTT.- SARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SANGEETA KUMARI W/O- SARVAN KUMAR, D/O- PRABHU
MAHTO VILLGE- PACHLAKHDIH, P.S.- PARSA, DISTT.- SARAN, AT
PRESENT VILLAGE- SITALPUR BAZAR, P.S.- DIGHWARA, DISTT.-
SARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anjani Parashar, Advocate
For the State	:	Mr. Nagendra Prasad, APP
For Opposite Party No.2	:	Mr. Shrinath Manjhi, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 12-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Sections 498A, 406, 379 and 494 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. The prosecution case, in brief, is that marriage of the complainant was solemnized with this petitioner on 01.12.2020 and after marriage, complainant went to her in-laws house. It is alleged that within a month of marriage, all the accused persons, including this petitioner, started demanding dowry and due to non-fulfillment of demand of dowry the



complainant was tortured and ousted from her matrimonial house.

4. It is submitted by learned counsel for the petitioner that the petitioner is husband of complainant/Opposite Party No. 2. Petitioner is innocent and has committed no offence. Petitioner never tortured the complainant or demanded any dowry. As a matter of fact, being fed up with the attitude of the complainant/Opposite Party No. 2, petitioner was forced to file a divorce case and it is only when the complainant/Opposite Party No. 2 came to know about the divorce case, this false and concocted case has been lodged. It is further submitted that pursuant to the order dated 03.06.2024 passed by the learned Family Court, Saran in Maintenance Case No. 10 of 2022, petitioner has already paid Rs. 70,000/- to the complainant/Opposite Party No. 2 on 25.01.2025. It is lastly submitted that the case is triable by the Magistrate. In this connection, learned counsel for the petitioner has relied upon the judgment of this Hon'ble Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar***, reported in ***2006(3) PLJR 182***. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and



learned counsel appearing on behalf of the complainant /Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation, the fact that petitioner is already paying maintenance every month to the complainant/Opposite Party No. 2 and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned J.M. 1st Class, Saran at Chapra in connection with Complaint Case No. 123 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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