

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65656 of 2024

Arising Out of PS. Case No.-1431 Year-2008 Thana- SARAN COMPLAINT CASE District-
Saran

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Dukhan Sah, aged about 47 years, male, son of Late Satya Narayan Sah, R/o
Village-Sarnath Chak, P.S. Dariyapur, District-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar & Anr.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1431 of 2008, registered for the
offences punishable under Sections 323, 498(A), 379/34 of the
Indian Penal Code and 3/ 4 of Dowry Prohibition Act, wherein
cognizance has been taken only under Section 498(A) of I.P.C.

3. As per the prosecution case, the marriage of the
petitioner was solemnized with the complainant wayback in the
year 2004. However, soon after the marriage, the complainant
was subjected to demand of dowry and on account of non-
fulfillment of the same, she was tortured in various ways and
finally ousted from her matrimonial home.



4. Learned Advocate appearing on behalf of the petitioner contended that admittedly the cognizance has been taken under Section 498(A) of the Indian Penal Code. The petitioner has always been ready to keep the complainant with all honour and dignity, but from the complaint itself, it is evident that she herself left her matrimonial home along with her father. There is complete denial of the allegation levelled in the complaint case. The petitioner has had cordial relations with the complainant and he is always ready to settle the dispute. It is lastly contended that notice was also issued to the Opposite Party no.2, pursuant to the order of this Court dated 01.10.2024 but the Opposite Party no.2 did not choose to appear.

5. On the other hand, learned counsel for the State vehemently opposed the pre-arrest bail application and submits that be that as it may, the case is arising out of the matrimonial dispute, but it is the admitted position that the petitioner has been evading his arrest for the last 16 years and as such he does not deserve any sympathy.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the complainant case was instituted in the year 2008 and the petitioner has been evading from the law for the last 16 years,



this Court does not find any reason to accede the prayer of the petitioner for grant of anticipatory bail. However, if the petitioner surrenders before the court below, preferably within a period of four weeks from the date of receipt/production of a copy of this order, the Jurisdictional Court shall consider the prayer of the petitioner for grant of regular bail on the basis of the materials available on record and taking note of the fact that the matter is arising out of a family dispute and he is still ready to keep the Opposite Party no.2 as his wife.

7. Accordingly, the present bail application stands dismissed with the aforesaid observation.

(Harish Kumar, J)

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