

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69064 of 2024

Arising Out of PS. Case No.-2074 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Sanjay Kumar Son of Ramashish Sah Resident of Village- Motipur, PS-
Tajpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruby Devi Wife of Sanjay Kumar Resident of Vill- Motipur, P.S.- Tajpur,
District- Samastipur at present Ruby Devi D/O- Raj Kumar Sah, Resident of
Vill- Rambabu Chowk (Gandhi Gali), P.S.- Samastipur, (Town), District-
Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 22-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 2074 of 2019 for the offence under Sections 120B, 323, 498A, 494, 406, 504 and 34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution story, the complainant has alleged that her marriage was solemnised with the petitioner on 12.02.2009. After two-three years of marriage the couple was issueless. Therefore, the petitioner along with his family members, started abusing and torturing the complainant. Lastly,



it is alleged that the accused persons ousted the complainant from her matrimonial house on 04.08.201 after taking all her belongings.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to malice, enmity and grudge. There is general and omnibus allegation of dowry demand and torture against the petitioner. Complainant has left the house of the petitioner and she has married with another person. Thereafter, the petitioner has married with her younger sister namely Kajal Devi. After the said marriage, complainant has filed a divorce case bearing Divorce Case No. 95 of 2020 before Principal Judge, Family Court, Samastipur and on oath she has stated that they have filed divorce case with mutual consent and they want to live separately.

5. Learned APP opposes the prayer for bail.

6. During the course of argument, learned counsel for the petitioner submits that on mutual consent the petitioner along with his wife (complainant) have filed matrimonial suit before the Principal Judge, Family Court, Samastipur. O.P No. 2 vide Divorce Case No. 95 of 2020 and his wife (O.P. No. 2) has deposed in support of this case. Keeping in view the aforesaid



facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur, in connection with Complaint Case No. 2074 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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