

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10337 of 2025

Arising Out of PS. Case No.-384 Year-2023 Thana- COMPLAINT CASE - BENIPATTI
District- Madhubani

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Kanhaiya Sahu @ Kanhaiya Kumar Sahu @ Kanhaiya Sah, S/O Biltu Sahu,
R/O Village- Dekulipatii (Dekulichatti), P.S.- Bahadurpur, Distt.- Darbhanga.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Asha Kumari W/O Kanhaiya Kumar Sahu @ Kanhaiya Sah @ Kanhaiya Sahu, D/O Kishori Sahu, R/O Village- Dekulipatti (Dekulichatti), P.S.- Bahadurpur, Distt.- Darbhanga. At present resident of Village- Dulha, P.S.- Bisfhi, Dist.- Madhubnai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr.Md. Ataur Rahman, APP
For the Informant	:	Mr. Soban Asghar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-01-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with CR Case No. 384 of 2023 registered for the

offences punishable under Sections 341, 323, 498(A), 324, 504

of the Indian Penal Code and Section 3/4 of the Dowry Prohibition

Act.

3. As per complaint, the allegation against the petitioner

is to commit cruelty upon the complainant due to non-fulfillment of

demand of dowry, as raised for cash of Rs. 1 lac alongwith other



co-accused persons/family members. The allegation of physical assault and also assault caused by using knife appears available through complaint petition.

4. It is submitted by learned counsel appearing on behalf of the petitioner that due to temperamental differences, the complainant herself left the company of petitioner and came to her parental home from Delhi. It is submitted that the complainant raised unfounded allegation of physical assault and knife assault through her complaint but during inquiry, same was not found convincing and, therefore, the learned Jurisdictional Magistrate took cognizance only for the offences punishable under Section 498A of the Indian Penal Code alongwith Section 3/4 of the Dowry Prohibition Act. It is submitted that as it appears from the complaint that initially the demand of dowry was raised against father-in-law, namely, Biltu Sahu who is not the petitioner for the present but subsequently in same petition in para-9, she raised allegation in very general and omnibus manner against all family members including this petitioner *qua* dowry demand. It is pointed out that same also not appears convincing in want of any specific date etc. The petitioner claimed clean antecedent.

5. Learned APP, duly assisted by learned counsel Mr. Soban Asghar, appearing on behalf of the informant, while



opposing the prayer of bail submitted that petitioner being husband facing specific allegation *qua* cruelty but he could not disputed the aforesaid factual submissions.

6. In view of aforesaid factual submissions and by taking note of fact as allegation *qua* cruelty *prima facie* appears to raise in very general and omnibus manner as discussed aforesaid, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Madhubani/concerned Court, where the case is pending in connection with CR Case No. 384 of 2023 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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