

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25448 of 2016

Arising Out of PS.Case No. -150 Year- 2014 Thana -COMPLAINT CASE District- BANKA

Jyotish Kumar Sharma s/o Mahendra Shamra Resident of Village- Dhosiya,
PS Deori, District Giridih (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gyatri Devi W/o Jyotish Sharma R/o Village Dhosiya, PS Deori, Distt Giridih, D/o Suresh Sharma Resident of Village- Chhatakurim , PS Katoriya, District Banka. At Present W/o Bipin Sharma, resident of Mohalla- Nutanpali, 4 Block, Police station- Benachatti, Durgapur, Distt Bardhman (West Bengal)

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-09-2016 Though, the matter has been listed under the heading ‘For Orders on Office Notes’ awaiting the service report of the notices issued to opposite party no.2 but since opposite party no.2 has entered appearance, the matter is being taken up on merits.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.



It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant/opposite party no.2. At earlier point of time, the complainant filed Complaint case No. 754 of 2013 which was dismissed under Section 203 of the Cr. P.C. and thereafter the present complaint has been filed. It is further submitted that the complainant has performed second marriage with one Bipin Sharma. In the earlier complaint, the complainant during enquiry stated that she is not ready to live with the petitioner and she has filed the case for realizing ₹2,00,000/- from the petitioner and considering the same, the earlier complaint was dismissed by learned SDJM, Banka vide order dated 16.01.2014.

It is submitted by the learned counsel for the complainant that the complainant is only inclined for getting the payment of one time settlement and admits that the complainant has performed second marriage though, after the petitioner performed second marriage.

It appears that learned Sessions Judge has disposed of the bail application of the petitioner since summons have been issued. A supplementary affidavit has been filed to the effect that learned court below has issued non-bailable warrant of arrest vide order dated 17.09.2014.

Considering the fact that the earlier complaint filed with similar accusation was dismissed and admission of the learned counsel for the complainant that the complainant has performed second marriage, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Banka in connection with Complaint Case No. 150 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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