

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29481 of 2017

Arising Out of PS.Case No. -1030 Year- 2016 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

=====

Binay Sharma son of late Narayan Prasad Sharma,

.... Petitioner/s

Versus

1. TheState of Bihar
2. Ruhi Sharma wife of Binay Sharma,

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 05-07-2017

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

Petitioner is languishing in custody for the offences punishable under Sections 498A/377 of the Indian Penal Code and Sections 3/4 of the D. P. Act.

The petitioner is husband of the complainant.

Allegation is of demand of dowry and torture for the same. Besides the aforesaid some specific allegation of cruelty of physical assault and sexual assault is there against the petitioner.

Learned counsel for the petitioner submits that the petitioner had already filed a case under Section 9 of the Hindu Marriage Act before the learned Principal Judge, Family Court, Bhagalpur, vide Matrimonial Case No. 289 of 2016.



Since there is dispute of compatibility between the spouses, the false and concocted allegation is there. There is no chance of restoration of conjugal life as during the conciliation at the time of anticipatory bail Opposite Party No.2 had denied to go with the petitioner due to the allegation of physical assault committed by the petitioner.

Considering the background and nature of allegation and the period already undergone by the petitioner, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur/Successor Court, in connection with Complaint Case No.1030 of 2016, with condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioner in this case.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

