

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40480 of 2017

Arising Out of PS.Case No. -780 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

=====

1. Pankaj Sharma, Son of Banke Mistri, Resident of Village- Nam Nagar,
Police Station- Tekari, District- Gaya Petitioner

Versus

1. The State of Bihar.
2. Savita Devi, Wife of Pankaj Sharma, Resident of Village- Chitaukhar,
P.O.- Kamalpur, Police Station- Tekeari, District- Gaya (Bihar)
.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Md. Shamimul Hoda, Adv.

For the State : Mr. Ashok Kumar, APP 220

For the complainant : Mr. Manish Kumar no. 2, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 09-11-2017

The learned counsel for the petitioner is permitted to make necessary correction in paragraph 1 of the bail application.

Heard the learned counsel for the petitioner, the Additional Public Prosecutor and the learned counsel for the complainant.

The petitioner apprehends his arrest in Complaint Case No. 780 of 2015 registered under Sections 323, 504 and 498A of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The complainant alleged that she was married to the petitioner on 06.05.2006. At the time of marriage, her parents gifted her different articles and money, but, her husband and other in-laws began to demand different articles. The complainant remained in her sasural for only ten days, on account of ill-behaviour of her husband and in-laws. The complainant, further, alleged that in the month of January, 2015, she went to her husband's house to participate in the sharadh ceremony of her mother-in-law, but, her husband and other in-laws subjected her to cruelty.

The learned counsel for the petitioner submits that the petitioner is handicapped and petitioner is not able to drive motorcycle. The allegation of demand of dowry and torture is



false and concocted. It is true that the complainant was married to the petitioner on 06.05.2006, but, the complainant left the house of the petitioner only because the petitioner is disabled person and she never return to live with the petitioner. The petitioner solemnized second marriage and only after nine years of marriage, the complainant filed this case.

On the other hand, the learned counsel for the complainant vehemently opposed the prayer for anticipatory bail of the petitioner, but, on perusal of the complaint petition, it appears that the complainant was married to the petitioner in the year 2006 and she hardly lived with her husband only for ten days, but, the complainant field the complaint case making allegation of demand of dowry and torture only after nine years of the date of solemnization of marriage.

Considering the facts, aforesaid, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Complaint Case No. 780 of 2015** to the satisfaction of the **Additional Chief Judicial Magistrate, Gaya**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

SA/-

U	√	T	√
---	---	---	---

