

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19575 of 2014

Arising Out of PS.Case No. -2827 Year- 2008 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Surendra Sharma Son of Ram Chandra Sharma, Resident of Village- Malpur, P.S-
Patepur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi wife of Surender Sharma, D/o Late Rajeshwar Sharma village
Maniyarpur, P.S- Bidupur, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Smt. Anuradha Singh
For the Informant/s	:	Mahendra Thakur, Adv Vijay Kumar, Adv
For the State	:	Mr. Humayun Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 20-06-2017

1. This application under Section 482 of the Cr.P.C. has been
filed for quashing the order dated 10.07.2009 passed by the learned
S.D.J.M., Vaishali at Hajipur in Complaint Case No. 2827 of 2008.
2. Heard both sides.
3. The facts, in brief, is that the O.P. No. 2 (complainant) filed a
complaint case against this petitioner (husband) and his family
members alleging *inter alia* that she was married with this petitioner
on 15.10.2001 and at that time an amount of Rs. 51,000/-, ornaments
etc. worth Rs. 70,000/- were given to him. After her marriage, the
husband and in-laws started demanding T.V. and motorcycle as



further dowry and on account of non-fulfillment, they started torturing and assaulting her. She was lastly ousted from the matrimonial house along with her two children. It is also alleged that her husband married a girl aged about 13 years.

4. The Learned counsel for the petitioner submits that the allegation of demand of dowry is baseless and absurd. He further submits that the petitioner is willing to keep his wife with full honour and dignity. It is the complainant who has deserted the husband and is residing at her paternal place. There is absolutely no ingredient constituting offence under Section 498A of the Indian Penal Code or Section 3/4 of the Dowry Prohibition Act.

5. The Learned APP for the State and the informant, on the other hand, opposed the prayer and submitted that the witnesses examined at the trial have fully supported the allegation of demand of dowry and torture. The petitioner had earlier filed a Cr. Misc. No. 3872 of 2010 for anticipatory bail, wherein this Court had directed him to surrender before the court below vide order dated 03.05.2010, but he did not surrender and after a lapse of about four years, he again filed Cr. Misc. No. 54061 of 2013 for anticipatory bail which was also rejected by a Bench of this Court on 20.03.2014.

6. The petitioner is the husband of the complainant and specific allegation is that he used to torture and assault his wife for demand of



dowry. The case is pending before the court below for appearance of the petitioner since last six years and he did not appear in spite of direction of this Court.

7. In view of above facts and materials on record, I do not find any merit in this application. Accordingly, the Cr. Misc. is dismissed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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