

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71054 of 2018

Arising Out of PS. Case No.-32 Year-2018 Thana- MAHILA PS District- East Champaran

SANJAY SHARMA @ SANJAY SHARAMA son of Nagina Sharma @
Nagina Thakur, resident of Village-Chailaha, Sharma Tola, P.S.- Banjariya,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-11-2018 Counsel for the petitioner is permitted to make necessary
correction in the address portion of the main application in course of
the day.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered
under Sections 498A, 341, 342, 323, 354B, 313, 504, 506, 34 of the
Indian Penal Code and ³/₄ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
has falsely been implicated in the present case due to petty family



dispute. There is no medical report in respect of the miscarriage of child as alleged by the informant. Hence, no offence under Section 313 IPC is made out in the present case. Rest of the offences are triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Mahila P.S. Case No. 32/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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