

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77400 of 2018

Arising Out of PS. Case No.-230 Year-2016 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Rajesh Sharma @ Rajesh Sharama, S/o Saugarath Sharma, R/o Vill.- Telihar,
P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi, W/o Rajesh Sharma @ Rajesh Sharma, D/o Late Jagroop Sharma
, R/o Vill.- Jhilorla, P.S.- Maheshkhut, Distt.- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-07-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 230 (C) of 2016,

disclosing offences under Section 498A of IPC and Section 3/4 of

Dowry Prohibition Act.

Allegation against the petitioner as per complaint
petition is that after the marriage, he started demanding rupees
two lakhs and a motorcycle from the complainant and due to
non-fulfillment of the same, petitioner along with other accused
persons assaulted her and lastly she was ousted from the house.

Submission of the learned counsel for the petitioner is
that he is still ready to keep her with full dignity and care and as
such, on appearance of opposite party no.2, the matter was
referred to the Patna High Court Mediation and Reconciliation



Center, but mediation failed. The opposite party no.2 fled away and not come to her Sasural and even not appeared before the Mediator. Further submission is that no specific allegation has been attributed against him.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, they have opposed the prayer for anticipatory bail on the ground that opposite party no.2 is ready to reside with the petitioner but the petitioner is not paying any maintenance to her and not complying the order of learned Family Court passed in Maintenance Case No. 23 M of 2016, by which, opposite party no.2 has been allowed maintenance of Rs.10,000/- per month.

Having heard both sides, in view of the facts and circumstances, as stated above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Sub Divisional Judicial Magistrate, Khagaria, in connection with Complaint Case No.230 (C) of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with condition that he is to



comply the direction of the learned Family Court and at least pay the current maintenance amount to the opposite party no.2, failing to pay the regular maintenance for three months continuously, the opposite party no.2 is at liberty to move for cancellation of the bail bonds of the petitioner before the court below itself.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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