

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35355 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- MAHILA P.S. District- Siwan

Sanjay Sharma S/o Satya Narayan Sharma R/o Village- Jaijor, P.O.- Jaijor,
P.S.- Ander, District- Siwan

... Petitioner/s

Versus

1. The State Of Bihar
2. Rinku Devi W/o Sanjay Sharma, D/o Birendra Sharma R/o village- Jaijor,
P.O.- Jaijor, P.S.- Ander, District- Siwan, at present resident of village and
P.S.- Raghunathpur, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-06-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in connection with Siwan Mahila P.S. Case No. 12 of 2019 registered for the offences under Sections 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The allegation in the FIR, is that the petitioner was married to the informant about five years ago. Further allegation is that the petitioner came in toxicated state, demanded Rs. 5 lacs and assaulted the informant. It is stated that as a result of



the torture, the informant proceeded to her parent's house along with his three children. All this, as per the allegation, has been done with the intention of the petitioner to enter into a second marriage.

It is submitted by learned counsel for the petitioner that the allegations are general and omnibus in nature and the allegation of demand of dowry is false. It is the informant herself who deserted the petitioner for which case no. 242 of 2018 has been filed by the petitioner in the Court of the learned Principal Judge, Family Court, Siwan for restitution of conjugal rights and the same is going on. Further the instant FIR, has been filed by the informant after filing of the said suit for restitution of conjugal rights.

Having heard the learned counsel for the petitioner and the learned APP for the State, in view of the fact that the petitioner has filed a suit for restitution of conjugal rights, the petitioner above named, in the event of his arrest or surrender in the court below within a period of six weeks from today in connection with Siwan Mahila P.S. Case no. 12 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional



Judicial Magistrate, Siwan subject to the conditions as laid
down in Section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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