

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57725 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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RAJESH KUMAR SHARMA @ RAJESH SHARMA, aged about 35 years-
M, Son of Nirmal Kumar Sharma, Resident of Chunihari Tola, P.S.-Kotwali,
District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr.Ranjan Kumar Jha, Advocate.
For the State	:	Mr.Nand Kishore Prasad,A.P.P.
For the Informant	:	Mr. N.K. Agarwal, Sr. Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-09-2019 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned senior counsel for the informant.

The petitioner seeks bail in a case for the offence
registered under Sections 498(A), 323, 354(B), 377, 506,
120(B)/34 of the IPC and ¾ of the D. P. Act.

The prosecution story, in brief, is that the marriage of
the informant was solemnized with Rajesh Sharma (petitioner)
according to Hindu customs and after marriage, she came at her
Sasural. At the time of marriage, her father Atmaram Sharma
had given valuable gifts and spent Rs. 10,00,000/-(Ten Lacs)
and some jewellery. For some time, her husband had property
behaved with her but after some time, he started demanding her



jewellery so that he can do business. She objected and said to her father-in-law, namely, Nirmal Sharma. Upon which, her father-in-law and *Bhaisur* told for giving the same otherwise they will misbehave with her. Ultimately, she handed over all her jewellery to them. Even though after some time, her father-in-law, *Jeth* and *Jethani* asked her to bring Rs. 5,00,000/- (Rupees Five Lacs) from her father. When she raised objection, she was assaulted and tortured mentally and physically and thereafter her husband always used to call his friend, namely, Amit Jain, in her bed room and used to order to serve wine to his said friend and he also used to take wine and when she objected she was assaulted by her husband. Due to fear, she provided wine to them. When the said friend returned back, her husband committed unnatural sex with her. she started crying but no one of the family has come forward to rescue her. After two days, friend of her husband, namely, Amit Jain, also came in the bed room. In the meantime, staff of the shop brought wine. Her husband forcibly taken wine to the informant and said that she has to make happy to my friend. In the meantime, Amit Jain naked the informant in front of her husband and started indecent act with her and taken her indecent snaps.

It has been submitted by learned counsel for the



petitioner that the petitioner is languishing in custody since 28.06.2019. The petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is the husband of the informant. The cognizance has been taken in the present case under Sections 498(A), 323, 354(B), 506, 120(B)/34 of the IPC and $\frac{3}{4}$ of the D. P. Act. No cognizance has been taken under Section 377 of the IPC by the learned court below. An opportunity was given to both parties for mediation but on behalf of learned counsels for both parties, it has been submitted that the same has failed. The case is triable by the Magistrate. The petitioner has further 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 learned counsel for the State and learned senior counsel for the informant, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M.,



Bhagalpur, in connection with Kotwali P.S. Case No. 85 of 2019.

If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

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