

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20245 of 2020

Arising Out of PS. Case No.-808 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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BABALU SHARMA @ BABLU KUMAR SHARMA S/O Nirav Sharma @
Nirav Sharma Resident of Village - Kataiya, P.S. - Lauriya, District- East
Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dashrath Sharma S/O Jangi Sharma Resident of Village - Hardi Nadawa,
P.S. - Cahutarwa, District - West Champaran.
3. Pinki Devi W/O Babalu Sharma @ Bablu Kumar Sharma, D/O Dashrath
Sharma Resident of Village - Hardi Nadawa, P.S. - Cahutarwa, District -
West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2020 The matter has been taken up in a court proceeding
conducted through virtual mode.

Since, the physical court is not functional, due to
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within the said period,
the office will again place the matter on board.



Heard learned counsels for the petitioner and the State.

The petitioner, being the husband of the daughter of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 323, 498A and 504 /34 of the IPC.

The prosecution case, as per the complainant is to the effect that the daughter of the complainant was married with the petitioner two year prior to the filing of the present complainant, but subsequently, due to non-fulfillment of further dowry demand of Rs. 5 lacs, torture was inflicted upon the daughter of the complainant by all the accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner admits his marriage with daughter of the complainant and he is ready to keep her as wife with full dignity and honour, statement to that effect has been made in paragraph no. 6 of the petition, which reads as follows:-

“That the petitioner is ready to keep the victim with due dignity and honour.....”

It is further submitted that the daughter of the complainant has filed Matrimonial Suit No. 356 of 2018 under



Section 13(B) of the Hindu Marriage Act, 1955 with a prayer for divorce, which is pending before the learned Principal Judge, Family Court, Bettiah, West Champaran. However, the petitioner has also filed Matrimonial Suit No. 210 of 2019, under Section 9 of the Hindu Marriage Act, 1955 with a prayer for restitution of conjugal life.

Learned counsel for the State submits that the thrust of accusation is against the petitioner, being the husband of the daughter complainant.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/surrender before the learned Court below, on furnishing one surety to the satisfaction of the learned ACJM-I, Bagaha, West Champaran in connection with Complaint Case No. C-808 of 2018.

Let the learned Court below issue notice to the daughter of the complainant and on her appearance, the petitioner will take the daughter of the complainant to keep her as wife with full dignity and honour.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy



of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities, (i) if the conjugal life substantially resumes, or (ii) if the daughter of the complainant fails to appear before the learned Court below, or (iii) if the daughter of the complainant deliberately gets reluctant to reconcile the issue, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned ACJM-I, Bagaha, West Champaran in connection with Complaint Case No. C-808 of 2018.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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