

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20634 of 2020**

Arising Out of PS. Case No.-605 Year-2019 Thana- MUNGER COMPLAINT CASE
District- Munger

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AWADHESH SHARMA Son of Shivnarayan Sharma Resident of Village -
Khawaspur, Milk, P.S.- Pirpati, Distt - Bhgalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangita Kumari Wife of Bipin Kumar Sharma Resident of Village -
Khawaspur, Milk, P.S.- Pirpati, Distt - Bhgalpur. At present resident of
village - Bari Madhuwan Dariyapur, P.S.- Kharagpur, Distt - Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted

through virtual mode.

Since the physical court proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter



before the bench.

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

The petitioner being father of the husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 494, 323, 498A of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is that complainant was married with Bipin Kumar Sharma, son of the petitioner on 25.04.2019 but after marriage, the complainant came to know that her husband is married from before but the said fact was concealed and when the complainant made protest then torture was inflicted and further dowry demand of rupees five lakhs was made.

Learned counsel for the petitioner submits that though there is accusation of performing second



marriage but the case has not been registered under Section 494 of the Indian Penal Code. Though there is accusation of performing second marriage by the son of the petitioner but no cognizance has been taken under Section 494 I.P.C. Moreover, the thrust of accusation is against the husband of the complainant. The petitioner claims to be separate from the husband of the complainant.

Learned counsel for the complainant submits that complainant is still ready to resume the conjugal life and the petitioner being father of her husband can facilitate in resumption of the conjugal life.

Learned counsel for the petitioner further submits that petitioner has no objection if the complainant resides with her husband.

Considering the thrust of accusation against the husband of the complainant and the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within



a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Sub-Divisional Judicial Magistrate, Munger in connection with Complaint Case No. 605C of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Sub-



Divisional Judicial Magistrate, Munger in connection with
Complaint Case No. 605C of 2019 including one surety
given at the time of provisional bail.

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

Accordingly the present application stands
disposed of.

(Dinesh Kumar Singh, J)

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