

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18801 of 2020**

Arising Out of PS. Case No.-149 Year-2019 Thana- MAHILA P.S. District- Bhojpur

UPAST MILIND @ MITTAL SHARMA @ USAST MILIND Son of Sri Mahendra Kumar Sharma Resident of Mohalla - Shastri Nagar West, Road No. - 8, P.S.- Rampur, District - Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Aarti Kumari Wife of Sri Upsat Milind @ Mittal Sharma D/o Uma Sharma, Resident of Mohalla - Bhaluhipur, P.S. - Ara Nagar, District - Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the O.P. No. 2	:	Mr. Nihar Nandan Ambasta, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 12-01-2021 Heard Mr. Pankaj Kumar Singh, learned Advocate for the petitioner and Mr. Nihar Nandan Ambasta for the Opposite Party No. 2. The State is represented by Mr. Nirmal Kumar Sinha, learned Advocate for the State.

The petitioner, who is the husband of opposite party no. 2, seeks bail in anticipation of his arrest in connection with Ara Mahila P.S. Case No. 149 of 2019, arising out of Complaint Case No. 1237C of 2019 dated 26.09.2019 instituted for the offences under Sections 498A, 379 and 406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

At the outset, learned counsel for the petitioner drew the attention of this Court to Annexure-2, which is an affidavit by the opposite party no. 2



stating that she does not wish to continue with the marriage and has settled the dispute after accepting Rs. 10 lakhs from the petitioner.

The aforesaid statement is seriously refuted by the counsel for opposite party no. 2.

It has been submitted on behalf of opposite party no. 2 that her signature was taken on a blank piece of paper and the aforesaid statement was made part of the affidavit. Nonetheless, the learned counsel for opposite party no. 2 states that she is ready for a settlement.

Considering the aforesaid fact scenario, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the dispute between the parties is resolved, it would be open for the petitioner to approach the court below for grant of anticipatory bail afresh in terms of the agreement between them and in that case the court below shall consider the aforesaid aspects of the matter and shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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