

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10037 of 2021

Arising Out of PS. Case No.-720 Year-2019 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Kallar Sharma S/o Late Jagdish Sharma Resident of Village- Pokhariya, Ward No.1, P.S.- Srinagar, Distt- Madhepura.
 2. Sanjha Devi W/o Chandra Kishor Sharma Resident of Village- Raghuniya, Ward No.11, P.S.- Kumarkhand, Distt- Madhepura.

... .. Petitioner/s

Versus

1. STATE OF BIHAR
2. Nika Devi W/o Chandra Kishor Sharma Resident of Village- Pokhariya, Ward No.01, P.S.- Srinagar, Distt- madhepura and at present D/o - Janardan Sharma, Resident of village- Katahara, Ward No.10, P.S.- Chhatapur, Distt- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-06-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case initially registered under Sections 323, 341, 379, 498A, 494, 504 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act but cognizance has been taken under Sections 323, 341, 379, 498A, 494, 504 of the Indian Penal Code only.



Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioner No. 1 is father-in-law of the complainant and petitioner No. 2 is second wife of husband of the complainant. The petitioners have 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 State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Judicial Magistrate-Ist Class, Madhepura in connection with Complaint Case No. 720 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

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)

A.K.V.//-

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