

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3933 of 2020

Arising Out of PS. Case No.-478 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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SUSHIL KUMAR SHARMA @ SUSHIL KUMAR, aged about 35 years
Male, S/o Awadh Sharan Sharma, Resident of Village- Anait (Bhojpur
Dharmshala), P.S.- Ara Nawada, District- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rajani Kumari, W/o Sushil Kumar Sharma @ Susil Sharma, at resident of
Village- Anaith (Bhojpur), P.S.- Ara Nawada, District- Bhojpur, at present
resident of Muhalla- Nakhas Machhuatoli, P.S.- Malsalami, District- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Rajani Ranjan Pd. Singh, Advocate
For the State	:	Mrs. Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 04-01-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in connection
with Complaint Case No. 478 (C) of 2019 for the offence
registered under Sections 498(A)/34 of the I.P.C. and 3/4 of the
D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. 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, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, 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 his personal bonds to the satisfaction of the learned J.M. Ist Class, Patna City, in connection with Complaint Case No. 478 (C) 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 petitioner 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. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

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