

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6434 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- MAHILA P.S. District- Vaishali

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ABDESH SHARMA @ AWADHESH SHARMA S/o- Ram Lagan Sharma
R/o- Rahimapur, P.S. - Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar Singh, Advocate
For the State	:	Mr.Nitya Nand Tiwary, APP
For the informant	:	Mr.Baidyanath Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the informant through

virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 341, 323, 307, 314, 315, 379, 498A,
504, 506/34 of the Indian Penal Code.

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

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. For a similar offence, a case has been instituted by the complainant/informant against the petitioner and his family members. There is no medical evidence to support the allegations in respect of Sections 307 and 315 of I.P.C. No offence under Section 314 of I.P.C. is made out as no one has died in the present case. Except for offences under Sections 307, 314, 315 of I.P.C., rest of the offences are triable by the Magistrate. A divorce petition has also been filed in the court below. The petitioner has 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 and learned counsel for the informant, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of



the like amount each to the satisfaction of Miss Apurva Nayak, J.M. 1st class, Vaishali at Hajipur in connection with Mahila P.S. case No.33 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner is directed to co-operate during the trial. If the petitioner does not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioner.

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)

Narendra/-

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