

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31237 of 2021

Arising Out of PS. Case No.-76 Year-2017 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Rajesh Sharma @ Rajesh Kumar Sharma, Son of Chhatish Sharma, R/o
Village Rahata Chowk, P.O. Pir Mokam, P.S. Falka, District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sita Devi, Wife of Rajesh Sharma, Daughter of Suresh Sharma, R/o Village
Rahata, P.S. Falaka, District Katihar at Present Resident of Village Basaha
(K.Nagar), P.S. K. Nagar, District Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Om Prakash Maharaj, Advocate
For the Opposite Party/s	:	Mrs. Pushpa Sinha, APP
For O.P. No.2	:	Mr. Amit Kumar Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of normal court
proceedings. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner apprehends his arrest in Purnea
Complaint Case No.76 of 2017, registered under Section 498(A)
of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.



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

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses against the petitioner. The petitioner has falsely been implicated in the present due to petty family dispute. The case is triable by the Magistrate. 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, it is submitted that the petitioner is named in the complaint petition.

Considering the aforesaid facts and circumstances, let petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Purnea in connection with Purnea Complaint Case No.76 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



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.

Further, petitioner is ready to pay Rs.8,000/- (rupees eight thousand) per month to O.P. No.2/complainant for a period of one year, within which period, it is expected that the O.P. No.2/complainant shall file a maintenance case before the learned Family Court for grant of maintenance and petitioner shall also abide that order, either ad interim or final, passed by learned Family Court.

It is also made clear that in case of failure to pay Rs.8,000/- (rupees eight thousand) to the O.P. No.2/complainant continuously for three months, the O.P. No.2/complainant would be at liberty to move for cancellation of bail bond of the petitioner before the learned court below itself.

(Anjani Kumar Sharan, J.)

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