

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43622 of 2021**

Arising Out of PS. Case No.-159 Year-2021 Thana- BHORE District- Gopalganj

PRITHAVI RAJ SHARMA @ PRITHWI RAJ SHARMA @ PRITHVIRAJ
SHARMA Son of Late Ramjeet Sharma Resident of Village- Balwa, P.S.-
Bhorey, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 15.04.2021,
seeks regular bail in connection with Bhorey P.S. Case No. 159
of 2021, for the offence punishable under Sections 341, 323,
342, 494, 498(A) and 504/34 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner
has been harassing the informant for the last one year and he has
solemnized second marriage on 25.01.2021. It is further alleged
that in the night of 08.04.2021 at about 10.00, while she was
bringing water in bowl, accidentally fell it on the knee of her



husband and just on that, he started assaulting her with fists and when she made protest of it, cousin father-in-law, who resides next door to her, started instigating her husband and brought rope of the cow and gave it to her husband and told him to tie her and, thereafter, her husband assaulted her with rope on her different part of body and tying her hands and legs with the rope and then tied her to the tree.

Learned counsel appearing on behalf of the petitioner submits that the allegation made in the F.I.R. is not sustainable against the petitioner because his wife on her own will left the house of the petitioner and she is not willing to live with the petitioner. The petitioner is ready to keep her wife with full dignity and honour.

Dr. Indihar Kumari, learned A.P.P. for the State has, vehemently, opposed the prayer for grant of bail to the petitioner. She further submits that there is direct allegation of assault and demand of dowry and due to non-fulfillment of dowry, the petitioner deserted the informant and it is also apparent from the impugned order that he is living with one another lady.

Considering the aforementioned facts and circumstances of the case and taking into consideration that the petitioner is willing to keep his wife with full dignity and honour, the petitioner is directed to be enlarged on **provisional bail** on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Bhorey P.S. Case No. 159 of 2021, with condition that he will take all necessary steps to bring his wife from her parental home and keep her with full dignity and honour.

The learned Court below after verifying the conduct of both the parties shall take a decision either to confirm the provisional bail or to cancel the same in the facts of the case and on such conditions he may deem fit and proper.

With the aforesaid observations and directions, this application is disposed of.

(Purnendu Singh, J)

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