

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54349 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- BHAGWANPUR District- Vaishali

RAJ KISHORE SHARMA SON OF LATE DEVENDRA SHARMA R/O
VILLAGE- SATPURA, P.S.- BHAGWANPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is the husband of the deceased, it is next submitted that the marriage was nearly 15 years old as the deceased was married to the petitioner in the year 2006 and it is next submitted that in between these 15 years, no complaint ever came to be instituted with an allegation that the deceased was being tortured, it is next submitted that petitioner has two children also from the wedlock. It is further submitted that when the petitioner never demanded any dowry



or tortured the deceased during these 15 years, then why all of a sudden, the petitioner would have started demanding dowry, this in itself creates doubt with regard to the veracity of the allegation as alleged in the F.I.R. It is next submitted that the allegation with regard to the dowry in the F.I.R. in the year 2021, thus does not inspire confidence. It is also submitted that during the course of investigation, the statements of the children were not recorded who are students and studying in school and they would have been the best persons to disclose as to what happened and why and how the occurrence took place.

Learned counsel for the petitioner next submits that the deceased died her natural death. It is also submitted that petitioner is not evading the law rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case, it is next submitted that arrest is not meant to punish but to ensure that investigation is not hampered.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six 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 the learned trial court where the case is pending/successor court in connection with Bhagwanpur P.S. Case No. 200 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself when called by him, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also be entitled to cancel his bail bonds and to take all coercive steps to ensure that he is behind bars.

Learned Trial Court is directed to send a copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

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