

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2066 of 2022

Arising Out of PS. Case No.-88 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Ranjeet Sharma, aged about 35 years (Male), Son of Kusheshwar Sharma, R/o village- Naya Tola Sabnima, P.S.- Athmalgola, District- Patna.
 2. Sanjeet Sharma, aged about 29 years (Male), S/o Kusheshwar Sharma, R/o village- Naya Tola Sabnima, P.S.- Athmalgola, District- Patna.
 3. Kusheshwar Sharma, aged about 50 years (Male), S/o Kailash Sharma, R/o village- Naya Tola Sabnima, P.S.- Athmalgola, District- Patna.
 4. Tara Devi, aged about 50 years (Female), W/o Kusheshwar Sharma, R/o village- Naya Tola Sabnima, P.S.- Athmalgola, District- Patna.
 5. July Devi, aged about 26 years (Female), W/o Sanjeet Sharma, R/o village- Naya Tola Sabnima, P.S.- Athmalgola, District- Patna.
 6. Nitu Devi, aged about 24 years (Female), W/o Ranjeet Sharma, R/o village- Naya Tola Sabnima, P.S.- Athmalgola, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar.
2. Radha Devi, W/o Ranjit Sharma, R/o Mohalla- Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna, Mob.- 9097332596.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Mithilesh Kr. Arya, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 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.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.



Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No. 88/16 for the offence registered under Sections 498(A) of the I.P.C. and $\frac{3}{4}$ of the D.P. Act.

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

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner no. 1 is the husband, petitioner no. 2 is the brother-in-law, petitioner no. 3 is the father-in-law, petitioner no. 4 is the mother-in-law and petitioner nos. 5 and 6 are the sisters-in-law (Gotani) of the victim. The case is triable by the Magistrate. The petitioners have 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 petitioners are 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 petitioners, 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 their personal bonds to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna City, Patna, in connection with Complaint Case No. 88 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each 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.

The petitioners are directed to co-operate during the trial. If the petitioners do not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioners.

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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