

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69893 of 2019

Arising Out of PS. Case No.-66 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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SUNIL SHARMA Son of Dhanji Sharma Resident of Village- Rajpur, P.O.
and P.S.- Natwar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Barsha Kumari D/o Shiv Sharma, Wife of Sunil Sharma Resident of Village-
Sidhouli, P.S.- Dehri (Dalmia Nagar), District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s :	Mr.Md. Mushtaque Alam
	Mr.Surendra Kumar Mishra
	Mr.Madan Mohan Roy
	Mr.Shashikant

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 17-01-2022 Heard the parties through virtual court proceedings.

The petitioner apprehends his arrest in connection with
Complaint Case No.66 of 2018, registered under sections
498(A), 34 of the IPC.

Allegation against the petitioner, being the husband of the
complainant, is that he used to torture and assault the
complainant due to non fulfillment of dowry demand and of
ousting her out of her matrimonial house.

It is submitted by learned counsel for the petitioner that
petitioner is an innocent person and has committed no offence.
Petitioner has never made any dowry demand and has been
falsely implicated in the present case due to grudge. 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*. There is general and omnibus allegation against the petitioner. It is submitted that the petitioner is still ready and willing to keep his wife with full honour and dignity.

Learned counsel for the complainant submits that the petitioner has already solemnized marriage with another girl.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No.66 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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.

However, petitioner is ready to pay Rs.2000/- (Rupees



Two Thousand) per month to the opposite Party No.2 for a period of one year, within which period, it is expected that the O.P. No.2 shall file a maintenance case before the learned Family Court for grant of maintenance and petitioner shall also abide that order, either interim or final, passed by learned Family Court.

It is also made clear that, in case of failure to pay Rs.2000/- for continuous three months, the O.P. No.2 is at liberty to move for cancellation of the bail bond of the petitioner before the learned court below itself.

Accordingly, this application is disposed of.

(Anjani Kumar Sharan, J)

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