

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12955 of 2023

Arising Out of PS. Case No.-2946 Year-2015 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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GUDDU SHARMA, Son of Late Hiralal Sharma, R/v- Pahleja Kasmar
Navada, P.S.- Sonpur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 2946 of 2015 (Trial no. 2192/2015//1858/2022) registered under section 498A of the Indian Penal Code.

3. As per the prosecution case, the complainant states that she was married to the petitioner in the year 2009. After some time of the marriage, the accused persons including the petitioner herein, who happens to be the husband of the complainant, started to torture the complainant for non fulfillment of the demand of dowry, which was by way of a colour TV, a motorcycle and Rs.1 lac for starting a business. The



petitioner forced the complainant to sign on a number of blank papers and having assaulted and abused her, forced her to leave the house/*sasural*.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case on account of his being the husband of the complainant. No such occurrence as alleged has taken place. The petitioner has always been ready to live a pleasant conjugal life with the complainant ie his wife and to keep her with full honour and dignity. No offence is made out against this petitioner. He has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P for the State.

6. Having perused the material on record in the complaint, it transpires that there is direct allegation against the petitioner, who happens to be the husband. The complaint was filed in the year 2015. On conclusion of the inquiry, after recording the statement on S.A. of the complainant on 18.9.2015, cognizance was taken on 8.4.2016. The petitioner continued to abscond and filed this application for anticipatory bail in the learned Court below only in the year 2019 and on rejection of the same, by order dated 21.9.2019, once again



absconded for another four years and filed this application in the year 2023.

7. In view of the facts and circumstances of the case, the allegation in the complaint and the delay in filing of the application for anticipatory bail, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

8. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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