

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22146 of 2023

Arising Out of PS. Case No.-527 Year-2019 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Awadhesh Sharma @ Awadhesh Kumar Sharma S/O Ram Gulam Sharma
Resident Of Village- Naiyam, P.S.- Hayaghat District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gauri Devi W/O Umesh Sharma Resident Of Village- Harhacha, P.S.-
Baheri, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurav Anand
For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-09-2023 Notice is validly served upon the opposite party
no.2 but appears on behalf of the opposite party no.2.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner apprehends his arrest in a case
registered under sections 323 and 498A/34 of the IPC and
Section 4 of the D.P. Act.

4. Allegation against the petitioner is of committing
torture upon the victim in association with his family members
for non-fulfilment of demand of dowry and of ousting her out of
the matrimonial house.

5. 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 torture upon the victim and has been falsely implicated in the present case due to grudge. He has never made any dowry demand from the informant. 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.*

6. Learned counsel for the O.P. No.2 has submitted that the O.P. No.2 is ready to live with the petitioner, provided she is not tortured.

7. 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.527/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. 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.

(Anjani Kumar Sharan, J)

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