

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34785 of 2023

Arising Out of PS. Case No.-746 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

=====

Anand @ Anand Kumar Sharma (Male), aged about 45 years, Son of Uday Shankram @ Uday Sharma, Resident of Village- Husena Raghav, PS- Vaishali, Dist- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rangila Kumari, Wife of Anand @ Anand Kumar Sharma, Resident of Village- Kharauna Jairam, PS- Kudhani (Turki OP), Dist.- Muzaffarpur.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Rajeev Ranjan No.II, Advocate
For the O.P. No. 2	:	Mr. Sanjay Kr. @ S.K., Advocate
For the State	:	Mr. Ahmad Ali, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 28-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. A Vakalatnama has been filed on behalf of the opposite party no. 2. Let it be kept on the record.

3. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

4. The petitioner is apprehending his arrest in connection with Complaint Case No. 746/2022 dated 04.06.2022 registered for the offences punishable under



Sections 498A of the I.P.C. and $\frac{3}{4}$ of the D.P. Act.

5. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Motorcycle and Rs. 2,00,000/- as dowry.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. The petitioner has filed Divorce Case No. 135/2022 on 10.05.2022 before the court of learned Principal Judge, Family Court, Vaishali at Hajipur and when the complainant has got knowledge about the divorce case, she has filed the present complaint case against the petitioner. The present complaint case has been filed by the complainant after about 20 years of the marriage. It is further submitted that the occurrence took place on 19.04.2021 and the present complaint case has been filed on 04.06.2022 i.e., after lapse of one year and for which no explanation has been given by the prosecution. Learned counsel for the petitioner has relied upon the judgments 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*” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

7. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Complaint Case No. 746/2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



9. 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.

10. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

