

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38057 of 2022

Arising Out of PS. Case No.-128 Year-2020 Thana- BANKA District- Banka

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1. HARINANDAN @ HARINANDAN SHARMA @ SINTU KUMAR @ SINTU Son of Jaykant Sharma @ Kanti Kumar Resident of Village- Bhadrar, P.S.- Banka, District- Banka
 2. Sabnam Kumari @ Shibanam Kumari @ Sabnam Devi Wife of Rohit Sharma @ Rohit Tanti @ Rohit Kumar Tanti Resident of Village- Kasba, P.S- Shambhuganj, District- Banka
 3. Rohit Sharma @ Rohit Tanti @ Rohit Kumar Tanti Son of Bhukho Sharma Resident of village- Kasba, P.s- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hema Kumari Wife of Harinandan Harinandan @ Sharma @ Sintu Kumar @ Sintu Resident of village- Bhadar, P.S- Banka , District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mrs.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 13-07-2023 Petitioner No.2 & 3 have already been allowed pre arrest bail vide order dated 29/03/2023.

Heard learned counsels for the petitioner No. 1 and learned A.P.P. for the State.

The petitioner No. 1 is apprehending his arrest in connection with a case registered for the offence punishable under Sections 498(A) of the I.P.C. and u/s 3/4 of the D.P. Act.

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

It has been submitted by learned counsel for the



petitioner that the petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the husband of the victim and he is ready to keep his wife with full honour and dignity. O. P. No.2 has already solemnized second marriage. There is no allegation of tampering with the witnesses alleged against the petitioner. The case is triable by the Magistrate. The petitioner has 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*. Petitioner has got clean antecedent.

Learned counsel for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner No. 1, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Banka in connection with Banka PS case No. 128/ 2020, subject to conditions laid down u/s 438(2) of the Cr. P. C.

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(Prabhat Kumar Singh, J)

