

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46836 of 2023

Arising Out of PS. Case No.-49 Year-2018 Thana- MAHILA P.S. District- Bhagalpur

SUBODH SHARMA, Son of Late Chotelal Sharma, Resident of Mohalla -
Aliganj, P.S. - Mojahidpur, District. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 49 of 2018 (G.R. 4822 of 2018) dated
02.09.2018 registered for the offences punishable under
Sections 498(A), 494, 323, 341, 504, 506/34 of the Indian Penal
Code and Sections 3 and 4 of the D.P. Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner's marriage with
the informant took place 22 years ago and there are two major
children from their conjugal relationship, earlier this petitioner
preferred Cr. Misc. No. 46544 of 2019 for the relief of
anticipatory bail which was allowed provisionally for four
months with a direction to the trial court to conduct conciliation



in between both the spouses and thereafter confirm the same considering the restoration of conjugal relationship in between them as well as other relevant circumstances and accordingly the petitioner was released on provisional bail for the said period after his surrender before the trial court and in between both the spouses conciliation was also made and all the relevant ordersheets of the trial court related to the period after petitioner's surrender have been filed and the same do not show any type of allegation by petitioner's wife as to misuse of the said provisional bail by this petitioner. Further submissions are that while rejecting the bail prayer of this petitioner the trial court mainly took into account that the petitioner did not keep his wife and children with full dignity and honour and the said fact sufficiently shows that petitioner's wife started residing with this petitioner after the grant of provisional bail to the petitioner and in the present time the petitioner has been languishing in jail since 08.02.2023.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the facts that the marriage of the petitioner with the informant took place 22 years ago and there are two major children from their



conjugal relationship and petitioner has been languishing in jail since 08.02.2023 and the genesis of the occurrence relates to matrimonial dispute as well as bigamy, in my opinion, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner named above be released on bail, in connection with Mahila P.S. Case No. 49 of 2018 (G.R. 4822 of 2018) on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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