

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52182 of 2022

Arising Out of PS. Case No.-549 Year-2019 Thana- BAHADURPUR District- Darbhanga

KANHIYA SHARMA @ KANHIYA KUMAR SHARMA S/o Late Ram
Briksh Sharma R/o village- Saidnagar, P.S.- Bahadurpur, Distt.- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kabita Devi W/o Kanhiya Sharma, D/o Naresh Sharma R/o village-
Harachha, P.S.- Baheri, Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad
For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 5 17-10-2023 Earlier the notice was issued to opposite party no.2, which was received by her father. Learned counsel for the petitioner has filed a jointness petition stating therein that opposite party no.2 is living jointly with her father.
2. In view of the submission aforesaid, the service of notice is deemed to be valid service of notice upon opposite party no.2.
3. Heard learned counsel for the petitioner and learned A.P.P. for the State but, in spite of valid service of notice, none is present on behalf of opposite party no.2.
4. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 354 & 498A/34 of the Indian Penal Code.



5. Petitioner, who is husband of opposite party no.2., is said to have ousted the opposite party no.2 from her matrimonial home in association of his family members over the dowry demand.

6. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. It is further submitted that opposite party no.2 is an open mind lady and do not want to live with the petitioner and she used to go anywhere without consent of the petitioner or his family members. It is further submitted that both the parties agreed to live separate with mutual consent in presence of local respectable persons of both sides and it is also decided that both the parties may free to marry another place for which agreement was executed and both the parties signed over it in presence of local people with their photos. It is further submitted that petitioner has filed a Divorce Case, bearing Matrimonial Case No.3/2020, in the Court learned Family Judge as per the agreement decided in the Panchayat between the parties which is pending for disposal. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State opposed the prayer for bail.



8. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond 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 Bahadurpur P.S. Case No. 549 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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