

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58109 of 2023

Arising Out of PS. Case No.-57 Year-2021 Thana- MAHILA P.S. District- Bhagalpur

Sushant Sharma Don Og Mool Raj Sharma Resident Of Ward No. 14, House No. 66, Talab Sailan, Udampur, Ps And Dist- Udampur (JAMMU And Kashmir) 182101. Presently Lane No. 5, House No. 66, Bhutanagar, Ps- Janipur, Dist- Jammu (JAMMU And Kashmir)- 181124

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ankita Jha Wife Of Sushant Sharma Resident Of Village- Hig 4 Housing Colony, Ps Barari, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Mahila P.S. Case No. 57 of 2021 dated 02.09.2021, instituted for the offence punishable under Sections 498A, 341, 323, 313, 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant and the petitioner are working in Indian Navy. During course of field work, she met with the petitioner on 16.04.2018 and their marriage was performed in Barari, Bhagalpur and adequate



amount of dowry was given to the petitioner's family. It is further alleged that after solemnizing the marriage, the petitioner's family always used to ask for money and pressurized the informant to surrender her wedding jewellery to her mother-in-law. It is also alleged that the informant was always harassed by the petitioner. Further, when the informant got pregnant, the petitioner again demanded dowry and threatened of aborting the child. Thereafter, some medicines was given to the informant which led to her miscarriage. Further, the petitioner threatened the informant to agree on the mutual divorce, otherwise, he will make her personal photos and videos viral. Due to regular harassing and torturing by the petitioner's family, the informant lodged the F.I.R. against the petitioner and his family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that petitioner as well as informant is in defence service and they met with each other in an official dinner party. Both married in temple in Arakkonam and then they got their marriage registered before Marriage Registrar, Arakkonam, Chennai. It is also submitted that the petitioner and the informant lived happily for a while and then the informant started torturing the petitioner and they had no other remedy but to file a divorce Case No. 97 of 2020 under Section 13(1)(IA) of the Hindu Marriage Act in the court of Sub Judge Arkkaonam, District-



Vellore, Tamil Nadu on 12.10.2020. It is submitted that before filing the present case, the petitioner also filed a complaint case on 12.10.2020 before the Judicial Magistrate, Arakkonam against in-laws of the petitioner for the offence under Sections 323, 324, 341, 294b, 506(ii) of the Indian Penal Code. It further submitted that on 11.03.2021, the informant filed a written statement in the aforesaid divorce case and thereafter, the instant case has been filed on 02.09.2021 at Bhagalpur in order save the skin. Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest/surrender of the petitioner in connection with Mahila P.S. Case No. 57 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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