

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70515 of 2022

Arising Out of PS. Case No.-122 Year-2019 Thana- SHERGHATI District- Gaya

Awadhesh Sharma @ Avdhesh Sharma S/o Ramji Mishtri R/o Village- Angra,
P.S.- Dobhi, Distt- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sindhu Devi W/o Awadhesh Sharma, D/o Shahdev Mistri R/o Village-
Angra, P.S.- Dobhi, Distt- Gaya. At present Residing at Village- Garwaiya,
P.S.- Barachatti, Distt- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tabish Sharfuddin, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP
For the informant:		Mr. S. Jamil Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sherghati (Dobhi) P.S. Case No. 122 of 2019,
registered for the alleged offences under Sections 341, 323, 504,
498(A) of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

As per prosecution case, the petitioner is the husband of
the informant and allegation against him is that he tortured and
treated the informant with cruelty and brutally assaulted her. There
is further allegation of demand of dowry against the petitioner and



other co-accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no demand of any dowry and the allegation is vexatious, false and concocted. The petitioner always tried to keep the informant with love and dignity, but the informant is not ready for the same and she has been pressurizing the petitioner to cut his ties and relation from his other family members. She is not ready to live with the family of the petitioner and a number of time she fled to her parental house without informing the petitioner. The petitioner married with the informant in the year 2009 and the present case has been lodged after 09 years of marriage. Even the father of the petitioner had filed a complaint case against the informant and her family members vide Complaint Case No. 216 of 2017, in which cognizance has been taken against the informant and her family members under Section 323 and 504 of the IPC and the present case is counter blast of the complaint case filed by the petitioner's father. The allegations made in the complaint are general and omnibus against all the accused persons. The petitioner is in custody since 05.09.2022. and the charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned



counsel for the informant submits that there has been regular assault by the petitioner and there were demand of Rs. 1 lac as dowry and the petitioner even tried to kill the informant.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the above named petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-1st Sherghati at Gaya in connection with Sherghati (Dobhi) P.S. Case No. 122 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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