

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16135 of 2024

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHILA PS District- Jehanabad

Mantu Sharma S/o Sulendra Sharma R/o vill-Uber, P.S-Ghoshi, Distt.-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard Mr. Pramod Kumar, learned counsel for the
petitioner and Mrs. Pushpa Sinha, learned APP.

2. The petitioner is apprehending his arrest in connection with Jehanabad Mahila P.S. Case No. 39 of 2022 for the offence under sections 498A, 354, 376, 504, 506, 34 of the I.P.C. lodged on 07.11.2022 by the informant, Babita Kumari.

3. As per the prosecution story, the informant alleged that her marriage was solemnized with the Amarjeet Kumar who unfortunately died of Cancer in the year 2021. Thereafter, her brother-in-law (devar) forcefully made physical relationship with her and later, a proposal was given by the family members that they get married. However, the same was abandoned by Kunal Sharma and the informant alleged that in Patna, in a drunken state, he came alongwith this petitioner abused/assaulted her and refused to solemnize her. Accordingly,



the FIR.

4. Learned counsel for the petitioner submits that he is the brother-in-law (bhaisur), after the death of brother Amarjeet, a proposal was made in the family that Kunal will get married to the widow lady and only due to confusion, the case has been lodged, no allegation of physical relationship was made on this petitioner and further, the present status is that Kunal Sharma has married the lady on 08.03.2023.

5. Learned APP opposes the prayer stating that he has abused/assaulted the lady.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that the allegation is against Kunal Sharma and as per the learned counsel for the petitioner, he has solemnized marriage with the informant, the petitioner is the brother-in-law (bhaisur), allegation of physical relationship is not on him and do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the



satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Jehanabad Mahila P.S. Case No. 39 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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