

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14626 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- PHULWARIYA District- Gopalganj

Arbind Sharma @ Arbind Kumar Sharma Son of Shambhu Sharma Resident of Village- Balepur, P.S.- Phulwariya, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Arbind Sharma @ Arbind Kumar Sharma Resident of Village- Balepur, P.S.- Phulwariya (Sripur O.P.), District- Gopalganj, real address Wife of Nand Kumar, Resident of Village- Bishunpura, P.S.- Kateya, District- Gopalganj, presently residing Daughter of Ramashish Prajapati, Resident of Village- Majirwa, P.S. Phulwariya, District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Phulwariya P.S. Case No. 60 of 2023, registered on 16.02.2023 for the offences under Sections 341, 323, 379, 498A/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner solemnized marriage with the informant and allegation against the petitioner and other co-accused persons is that they assaulted the informant making her unconscious and took away all the household articles from the house of the informant.

4. Learned counsel for the petitioner submits that



the informant is not the wife of the petitioner and she is wife of one Nand Kumar, Resident of Village – Bishunpur, P.S. - Kateya, District – Gopalganj. The informant is not a lady of good character and she has been having illicit relationship with many persons and she used to blackmail them and extort money from them. The petitioner extended some loan to the informant and when he asked for return of his money, he has been falsely implicated in this case. Learned counsel further submits that the petitioner stays abroad and when notice under Section 41A Cr.P.C. was sent to him, he could not join the investigation and thus arose apprehension of his arrest. Learned counsel further submits that the petitioner has lodged Complaint Case No. 248 of 2023 against the informant in the month of October, 2023 and thereafter, this false case has been lodged by the informant. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication in the background of facts so enumerated, let the petitioner above named, in the event of his arrest or surrender before the court concerned



within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj/concerned court in connection with Phulwariya P.S. Case No. 60 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

