

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37194 of 2023

Arising Out of PS. Case No.-1450 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

=====

Om Prakash @ Om Prakash Sharma, aged about 38 years, Gender-Male, Son of Sh. Ramesh Sharma, Resident of-B 187, Brij Vihar, Chander Nagar, P.S. - Chandan Nagar, Ghaziabad - 201010 (U.P.)

... .. Petitioner

Versus

1. The State of Bihar.
2. Kiran Sharma, aged about 32 years (Female), Wife of Mr. Om Prakash Sharma, Daughter of Gita Prasad Sharma, Present Address – R/O Village - Mathwa Bazar, P.S. - Katiya, District - Gopalganj (Bihar).

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Bhola Kumar, Advocate
For the O.P. No. 2	:	Mrs. Nikita Shrivastava, Advocate
For the State	:	Mr. Sanjay Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 24-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 1450 of 2022 dated 13.07.2022 registered for the offences punishable under Sections 406, 323, 324 and 498A of the I.P.C.



4. As per prosecution case, the petitioner and other accused persons are alleged to have tortured the complainant due to non-fulfilment of Rs. 2,50,000/- and a vehicle as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that the petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is further submitted that the complainant is not ready to live with the petitioner and she wants to stay at her parents' house which was not accepted to the petitioner. It is further submitted that the petitioner is ready to reside with the complainant with full dignity as stated in paragraph no. 9 of the bail application. It is submitted that mediation between the parties has also failed on 22.12.2023. Learned counsel for the petitioner has relied upon the judgments of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in 2006(3) PLJR 182 and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation & Another* (2022) 10 SCR 351 and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.*, passed in *Criminal Appeal No. (s). 2207*



of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023. Learned counsel for the petitioner has further submitted that Section 498A of the I.P.C. is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gopalganj in connection with Complaint Case No. 1450 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without



reasonable cause, the bail bonds of the
petitioner are liable to be cancelled.

8. If so advised, either of the parties will be at
liberty to make an application before the learned court below for
referring the matter to the District Mediation Centre for the
purpose of reconciliation or one time settlement.

9. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

