

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44980 of 2023

Arising Out of PS. Case No.-833 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Sanjay Kumar Sharma @ Sanjay Sharma, Son Of Vishwakarma Sharma,
Resident Of Village- Bardi Khurd, Ps- Barun, District- Aurangabad

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Reena Devi, Wife Of Sanjay Kumar Sharma Resident Of Village- Bardi Khurd, Ps- Barun, District- Aurangabad, At Present R/O Village- Chapuk, Ps- Goh, District- Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 19-01-2024 1. The petitioner is accused of cruelty by his wife.

A complaint case is filed as Complaint Case No. 833 of 2018, which is pending in the court of Chief Judicial Magistrate, Aurangabad.

2. In the above Cr. Misc. Application the petitioner prays for anticipatory bail.

3. Notice was issued to Opposite Party No. 2, who is the wife, the complainant.

4. As per service report, the complainant refused to receive the notice. There is no appearance on her behalf. Since notice was refused, there is deemed service.

5. There is a stay of further proceedings granted on



19.08.2023.

6. To facilitate early resolution of disputes, this Court is disposing of the Cr. Misc the following, based on the judgment of the Hon'ble Supreme Court in **Md. Asfak Alam v. The State of Jharkhand & Anr. [Criminal Appeal No. 2207 of 2023, arising out of Special Leave Petition (Crl.) No. 3433 of 2023, disposed of on 31.07.2023]**. Here, the charge would be under Section 498(A) of the Indian Penal Code for which the maximum sentence, even on conviction, would be less than seven years, clearly coming within the scope of the aforecited decision.

7. The above application is disposed of with the following directions:-

(i). The accused/petitioner shall appear before the court below within a period of four weeks;

(ii) On appearance, the court below shall consider the bail application of the petitioner on the same day, in accordance with the directions issued by the Hon'ble Supreme Court in the aforecited decision;



(iii) The accused/petitioner shall ensure appearance of himself or his Advocate on all the posting dates and cooperate with the trial.

(iv) On continued absence of the accused/petitioner, the concerned court would be entitled to take appropriate proceedings to ensure his appearance, as provided under the Code of Criminal Procedure, 1973.

8. With the above directions, the Criminal Miscellaneous Application is disposed of without any observation on the allegations raised or the defence set up.

(K. Vinod Chandran, CJ)

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