

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47874 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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DINESH SHARMA Son of Ram Ekadashi Sharma Resident of village -
Maira, P.S. - Dinara, Distt. - Rohtas

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Arti Devi Wife of Dinesh Sharma Resident of village - Jamarhi, P.S. -
Natwar, Distt. - Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr.Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 19-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 199C of 2022, dated
11.07.2023, for the offences punishable under Sections 498A,
323, 504 of the Indian Penal Code.

3. As per the prosecution case, the complainant has
stated that 12 years ago her marriage was solemnized with the
accused (her husband-petitioner), who had illicit relationship
with his *bhabhi* for the last two years. Whenever the same was
opposed by the complainant, the petitioner and other co-accused
assaulted her mentally & physically. On 12.04.2022, the father-
in-law of the complainant wanted to make physical relationship



with her but the same was opposed by the complainant. When she started screaming, he fled away. One day the accused & other co-accused started strangulating with the intention to kill her but in the mean time, neighbours came and saved her.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. The petitioner has no criminal antecedent. The petitioner has relied upon the judgment 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.”*** Learned counsel has further relied on the judgments in the case of ***Satendra Kumar Antil Vs. Central Bureau of Investigation and 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.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the allegation being general and omnibus against the petitioner, let the above named petitioner, in the event of his arrest/surrender 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, Bikramganj, Rohtas in connection with Complaint Case No. 199C of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, 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 bond of the petitioner is liable to be cancelled.

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

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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