

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45896 of 2023

Arising Out of PS. Case No.-600 Year-2022 Thana- FATEHPUR District- Gaya

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GAUTAM THAKUR, SON OF RAJENDRA THAKUR, RESIDENT OF
VILLAGE- JAGARNATHPUR, PO- KARIYADPUR, PS- FATEHPUR,
DISTRICT- GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHARDA SHARMA WIFE OF GAUTAM THAKUR, SON OF RAMESH SHARMA, RESIDENT OF VILLAGE- GIGEOI KHURD, PS- FATEHPUR, DISTRICT- GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate

For the Opposite Party/s : Mr. Surendra Prasad 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.
- An F.I.R. has been registered being Fatehpur P.S. Case No. 600 of 2022 dated 27.09.2022.
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 informant.
4. Though notice is received by the opposite party, there is no appearance.
5. There is a stay of further proceedings granted on



24.08.2023.

6. To facilitate early resolution of disputes, this Court is disposing of the Cr. Misc, 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 concerned Police Station within a period of four weeks;

(ii) On appearance, the accused/petitioner shall be released on personal recognizance bond by the concerned Police Officer or produced before Court 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 cooperate with the investigation of
the case and appear before the I.O. when
summoned.

(iv) If at any point the
accused/petitioner does not appear before
the police officer on notice being issued,
the police officer would be entitled to
move under Section 41A(4) of 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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