

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54186 of 2023

Arising Out of PS. Case No.-2152 Year-2022 Thana- COMPLAINT CASE District- Araria

Anand Sharma @ Anand Kumar Sharma, Son of Mohril Sharma @ Mohril Choupal, Resident of Village- Adirampur, P.S.- Bhargama, Dist- Araria.

... .. Petitioner

Versus

1. The State of Bihar.
2. Reshma Kumari, Daughter of Manoj Sharma, Wife of Anand Sharma, Resident of Village- Adirampur, P.S.- Bhargama, Dist- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Mukesh Kumar, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 01-02-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. However, learned counsel for the opposite party no. 2 is not present despite service of notice upon the opposite party no. 2.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 2152 of 2022 dated 14.10.2022 registered for the offences punishable under Sections 498A and 323 of the I.P.C.

4. As per the prosecution case, the petitioner and other



co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Rs. 5,00,000/- as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. 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. The petitioner is still ready to resume the conjugal life and keep the complainant with all honour, affection and dignity as stated in paragraph no. 7 of the bail petition. The petitioner is a daily wage labour. There is general and omnibus allegation against the petitioner. 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 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*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code 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 has 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 within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Araria in connection with Complaint Case No. 2152 of 2022, subject to the condition 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 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 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)

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