

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56890 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- DINARA District- Rohtas

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1. DINESH SHARMA S/O RAM EKADASI SHARMA @ EKADASHI SHARMA R/O VILLAGE- MAIRA, PS. DINARA, DIST. ROHTAS
 2. RAM EKADASI SHARMA @ EKADASHI SHARMA S/O HARI CHARAN SHARMA R/O VILLAGE- MAIRA, PS. DINARA, DIST. ROHTAS

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ARTI DEVI W/O DINESH SHARMA R/O VILLAGE- JAMARHI, PS. NATWAR, DIST. ROHTAS

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioners as well as
the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Dinara P.S. Case No. 37 of 2023, registered for the offences punishable under Sections 341, 323, 506, 354, 498A/34 of the Indian Penal Code.

3. As per allegation, the marriage of the petitioner no. 1, Dinesh Sharma was solemnized with the informant on 28.01.2023. The accused persons, in drunken state came at their house and started abusing and also threatened of dire consequences. On protest, the accused persons are said to have assaulted the informant causing injuries on her eye-brows, as a result of



which, she sustained injuries. Thereafter, the accused persons are said to have assaulted the father of the informant by iron rod, which caused injury on his head.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. By order dated 20.09.2023, the matter was ordered to be referred to mediation center for exploring the possibility of amicable settlement but the dispute could not be resolved. Since the amount claimed by the opposite party no. 2 was requested to be given within a period of one month but the petitioner wanted time for a year for payment of the entire money. He has further submitted that the petitioner has already paid Rs. 50,000/- to the victim and he will pay the remaining amount of Rs. 4 lacs 50 thousand within a period of six months.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the petitioner being a drunkyard, used to assault the victim and the victim along with her three children is facing her measurable days in *Maika* in financial scarcity. He has submitted further that vide order dated 20.09.2023, the Co-ordinate Bench of this Court directed the petitioner to pay Rs. 500/- as travelling expenses to the victim but the petitioner is not paying that amount regularly.

6. It appears from submission that during mediation, the



matter was settled between the parties as one time settlement but it was the condition of the informant that the entire amount of Rs. 5 lakhs should be paid within a period of one month, whereas the petitioner sought for a time of one year for payment of that money. The petitioner is directed to pay remaining amount of Rs. 4, 50,000/- to the victim within a period of six months.

7. Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas in connection with Dinara P.S. Case No. 37 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(i) If the amount as directed above is not paid by the petitioner within the stipulated period of six months, his bail bond shall be liable to be cancelled.

(Nawneet Kumar Pandey, J)

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