

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12275 of 2024

Arising Out of PS. Case No.-2872 Year-2022 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ajay Kumar Sharma, S/O Late Nathuni Sharma, R/O Champapur, P.S-
Baligaon, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Sharma, W/o Ajay Kumar Sharma, D/O Shankar Sharma R/O
Village- Chandanpatti, P.S- Sakra, Distt.- Muzaffarpur.,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok, Advocate
For the State	:	Mr.Dinesh Singh, APP
For the O.P. No. 2	:	Mr. Manjeet Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-12-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party

no. 2.

02. In the present case, the petitioner is apprehending
his arrest in connection with Complaint Case No. 2872 of 2022
registered for the alleged offences under Section 323, 307,
498A/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner is the
husband of the complainant and there is allegation of
demanding Rs. 1 lac and a motorcycle in dowry. Further
allegation is that of trying to set the complainant on fire.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The marriage was solemnized on 08.06.2015 and the demand of dowry after such a long period is not believable. Cognizance has been taken against the petitioner under Section 498A IPC, but the petitioner never tortured or treated the complainant with cruelty. The complainant herself works with Jeevika and she has been insisting the petitioner to provide economic assistance to her parents and has taken some loan from Jeevika and wanted the petitioner to make payment of the said loan amount. The petitioner is ready to take back his wife and daughter and would like to keep them with honour and dignity. The learned counsel further submits that the petitioner is ready and willing to make payment of Rs. 4,000/- per month to the opposite party no. 2 and his two daughters towards their maintenance till disposal of the present case.

05. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the petitioner has no intention of keeping his wife and two daughters and has been making false averment on this count.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the nature of allegation, relationship of the parties and further considering the undertaking of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Muzaffarpur (East), in connection with Complaint Case No. 2872 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) The petitioner would make payment of Rs. 4,000/- per month on or before 15th day of each month till disposal of Complaint Case No. 2872 of 2022.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iv) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

07. However, it is made clear that this amount will be subject to adjustment pursuant to further orders made by any competent court with regard to maintenance to the opposite party no. 2.

V.K.Pandey/-

(Arun Kumar Jha, J)

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