

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86269 of 2023

Arising Out of PS. Case No.-1395 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Ankit Kumar @ Ankit Kumar Sharma son of Sri Sampat Kumar @ Sampat Kumar Sharma Vill- Ankupur Ps- Rampur Chauram Dist- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anu Kumari wife of Ankit Kumar @ Ankit Kumar Sharma, D/o- Awadh Bihari Rai Village- Banshi Dihri Ps- Sahar Dist- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr.Sunil Kumar, learned counsel for the petitioner, learned counsel for the complainant and Mr.Kanhiya Kishor, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No.1395(C) of 2022, registered for the offences punishable under Sections 498(A)/34 of the Indian Penal Code.

3. Allegation against the petitioner and other co-accused persons is of committing torture upon the victim due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is husband of the complainant. Learned counsel for the petitioner submits that the complainant is not living in the matrimonial house so the petitioner has filed a divorce case bearing matrimonial Case No.102 of 2022 under Section 13 of the Hindu Marriage Act before the learned Principal Judge, Family Court, Jehanabad on 19.07.2022 and learned Principal Judge, after hearing the parties, has been pleased to issue notice to the complainant on 26.07.2022 and when the complainant has received the said notice in the aforesaid matrimonial case, in retaliation, she has filed the present complaint petition against the petitioner on 25.08.2022 and the allegation as alleged in the complaint petition is false and fabricated and the petitioner has never demanded any dowry or never tortured to the complainant.

5. Learned counsel for the complainant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of



receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bhojpur, Ara in connection with Complaint Case No.1395(C) of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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