

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27113 of 2024

Arising Out of PS. Case No.-216 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Upendra Sharma @ Upendra Mistri S/o Late Jagdish Sharma R/o Village -
Gauharpur, Po- Pothiya, PS- Didarganj, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari Ramesh Sharma Village Ganjpar, PS Athmalgola, District
-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar, Adv.
For the State	:	Mr. Rabindra Kumar, APP.
For the Complainant	:	Mr. Harsh Vardhan, Adv. Mr. Sanjay Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 13-05-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 498(A), 406, 323,
420, 34 of the Indian Penal Code and Section 3 of the Dowry
Prohibition Act. However, the learned Court below has taken
cognizance under Section 498(A), 323 of the Indian Penal Code
against him.

3. The instant case arises out of the complaint filed by the
complainant, wife of the petitioner, alleging therein that there
was demand of dowry and the consequent torture upon her.



4. Learned counsel for the petitioner submits that the allegations levelled against the petitioner are not correct and the petitioner had always been ready to keep the complainant with him with due dignity and honour, but it was the complainant who was not desirous of staying in her matrimonial house. The further submission is that although the disputes between the parties had been resolved through the mediation process whereafter both the parties started living with each other, but after some time, the complainant again left her matrimonial house and started living in her parental house. It is next submitted that the petitioner will neither abscond nor tamper with the evidence rather will cooperate in the investigation.

5. Learned APP for the State and learned counsel appearing for the complainant opposes the prayer for anticipatory bail supporting the allegations levelled against the petitioner.

6. At this stage, learned counsel for the petitioner makes an offer on behalf of the petitioner that he would make the payment of Rs.3000.00/- (Rupees Three Thousand) per month to the complainant in the second week of every month.

7. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 216C of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

9. Learned counsel for the complainant is directed to furnish the bank account details of the complainant in the learned Court below. If the complainant fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the complainant after she furnishes her bank account details. If the petitioner fails to pay the aforesaid amount on two consecutive months, the complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

10. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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