

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55111 of 2023

Arising Out of PS. Case No.-549 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Birju Sharma S/O Lilu Sharma Resident Of Village- Kharagpur, Sonbarsa Kutchery, Ward No. 10, P.S.- Saharsa (Sonbarsa Kutcheri O.P.), Dist.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushila Devi W/O Birju Sharma, D/O Mangal Sharma R/O Village- Ghordaud, Warghmara, Ward No.3, P.S.- Banma Itahri, Dist.- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mrs. Rashmi Jha, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP
For the O.P.-2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-04-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State. Despite valid service of notice, nobody appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2, apprehends his arrest in a complaint case punishable for the offence under Sections 323, 379, 498-A, 504, 506 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

3. As per complaint case, the complainant was married with this petitioner in the year 2020 and at the time of marriage, her parents gave 51,000/- cash, ornaments, furniture etc., as gift, to the family members of petitioner, but after the



marriage, when complainant went to her in-laws house, she was subjected to torture and harassment by all the accused persons including petitioner due to non-fulfillment of cash of Rs. 60,000/-, as additional demand of dowry, and ultimately, she was ousted from her matrimonial home.

4. While denying the allegations made in the complaint petition, learned counsel for the petitioner submits that petitioner has been falsely implicated in this case merely because he happens to be husband of opposite party no. 2. At no point of time, petitioner demanded any dowry or committed torture with opposite party no. 2 and is still ready to keep the opposite party no. 2 with full honour and dignity. Moreover, the case is triable by the learned Magistrate. The petitioner has further relied upon the judgment 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*.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of eight weeks from today, let this petitioner, as named above, be enlarged on bail on furnishing bail bond of **Rs.10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Saharsa in connection with Complaint Case



No. 549C of 2022, subject to the conditions, as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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