

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72568 of 2024

Arising Out of PS. Case No.-475 Year-2019 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Ashutosh Sharma @ Chintu @ Ashutosh Kumar Sharma Son of Ashok Sharma Resident of K 64/95, Gola Dinanath, P.S.- Kotwali, Distt.- Varanasti, Uttar Pradesh, AT Present residing at Village -Mirpur Patadh, PS- Sarai, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Sharma Wife of Ashutosh Sharma @ Chintu @ Ashutosh Kumar Sharma, D/O- Lal Babu Thakur Resident of Village- Panapur Langa, P.S.- Hajipur Sadar, Distt.- Vaishali. At Present residing at C/O- Lal Babu Thakur, Naryanpur Pump Canal, (Sichai Vibhag), P.S.- Narayanpur, Distt.- Mirzapur, Uttar Pradesh

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 18-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 323, 307, 498(A) and 406 of the Indian Penal Code read with Section 3 and 4 of the D.P. Act and the petitioner happens to be the husband.

3. The present case arises out of a complaint filed by the opposite party no. 2 in respect of which subsequently the cognizance has been taken under Section 498(A) of the Indian Penal Code only.



4. The allegations contained demand of Rs. 5,00,000/- from the complainant's father and consequently cruelty meted out to the complainant.

5. Learned counsel for the petitioner submits that the allegations made in the complaint are totally incorrect and it is further submitted that a son was also born out of the wedlock on 30.12.2012 and it is the petitioner who is looking after upbringing of his son who stays along with his father. It is further submitted that the opposite party no. 2 has left the matrimonial house on 09.07.2019 with her father in presence of the village punch and she never returned back despite the endeavors made by the petitioner to bring her back into the matrimonial home. To substantiate his submission, the attention of this Court is drawn to Annexure-P/3 to this petition which contains the Matrimonial Case No. 424 of 2024 dated 02.09.2024 which is a case filed under Section 9 of the Hindu Marriage Act for restitution of conjugal right.

6. The application is opposed by the learned counsel APP for the State.

7. Considering all the above mentioned facts and circumstances, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a



period of four weeks from today, be enlarged on bail 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. 475 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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