

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19017 of 2023

Arising Out of PS. Case No.-158 Year-2021 Thana- BIHARIGANJ District- Madhepura

BIRBAL SHARMA, Son of Kamo Sharma, Resident of Village - Bara-Teni,
P.S.- Udakishanganj, District – Madhepura. Petitioner/s
Versus

1. The State of Bihar.
2. Rajnandani Kumari Wife of Birbal Sharma (Daughter of Suraj Kumar Sharma), Resident of Village - Pariharpur, Toli-Mohim Dih, Ward No.- 13, P.S.- Bihariganj, District - Madhepura. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 27-01-2026 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner apprehending his arrest in connection with Bihariganj P.S. Case No. 158 of 2021 registered for the offences punishable under Sections 341, 323, 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is to commit mental and physical cruelty upon the informant alongwith other co-accused persons/family members due to non-fulfillment of demand of cash of Rs. 1 lac as dowry.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that upon facial perusal of FIR, it appears that demand of dowry is appearing very much general and omnibus against petitioner and his implication appears only for the reason that he is the husband. It is submitted that implication was made in the background of family quarrel and no any demand was raised. It is also submitted that reason for present implication is also the suspicion that this petitioner might solemnize his another marriage.

5. Learned APP opposed the prayer of bail.

6. Upon perusal of office report, it appears that the notice as issued by this Court was served upon mother of the informant.

7. Upon valid service of notice, none appears on behalf of the informant to join present proceedings.

8. In view of aforesaid factual submissions and by taking note of fact as allegation *qua* committing mental and physical cruelty *prima facie* appears very much general and omnibus in nature against petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each



to the satisfaction of the learned Sessions Judge,
Madhepura/concerned Court, where the case is pending in
connection with Bihariganj P.S. Case No. 158 of 2021 subject to
the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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