

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59924 of 2024

Arising Out of PS. Case No.-1020 Year-2020 Thana- GAYA COMPLAINT CASE District-
Gaya

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Rajan Kumar Sharma, S/o Bharat Bhushan Sharma, R/o Village-Rewali, P.S-
Katkamdag, District- Hazaribag, Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar
2. Sweta Kumari @ Kumari Lakshmi, W/o Rajan Kumar Sharma, D/o Late
Dinesh Kumar, R/o Village- Rewali, P.S- Katkamdag, District- Hazaribag,
Jharkhand and at present R/o Mohalla- Q. No. 2, 3rd Floor, Beside of M.K.
Plaza Hotel, Dumahan Chowk, P.S.- Bodh Gaya, Distt.- Gaya.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, APP

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 03-02-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the complaint

petition and apprehending his arrest in connection with

Complaint Case No.1020 of 2020 in which cognizance has

been taken for the offences punishable under Sections 498-A,

323, 341 and 506 of the Indian Penal Code.

3. Allegation against petitioner is to commit mental

and physical cruelty upon informant due to non-fulfilment of

demand of dowry as raised for cash of Rs.5 lakhs.

4. It is submitted by learned counsel appearing for



petitioner that wife of petitioner is under habit to file false criminal cases and, therefore, for similar set of allegation, she already lodged police case, which was registered as Bodh-Gaya P.S. Case No.398 of 2020 dated 11.11.2020 where after, investigation, the police submitted closure report against petitioner. It is submitted that considering the aforesaid fact, for the same set of occurrence, the present complaint case was lodged. It is pointed out that the marriage of complainant with petitioner was declared null and void in terms of order dated 11.05.2023 as passed in Original Suit No.175/2020 by learned Principal Judge, Family Court, Hazaribagh, where the petitioner was directed to pay one-time permanent alimony of Rs.5 lakhs to the informant and in compliance of same, the petitioner has deposited bank draft of Rs.5 lakhs on 23.05.2023 before the court concerned, whereafter the decree *qua* declaring the marriage of petitioner null and void with complainant was drawn. It is further submitted that aforesaid order was not challenged before higher forum and, therefore, same appears accepted by the complainant.

5. Learned APP opposed the prayer of anticipatory bail.



6. Despite repeated calls, none appeared on behalf of complainant/O.P. No.2 to join the present proceeding.

7. In view of aforesaid factual submissions and by taking note of fact as the marriage of complainant declared null and void with petitioner in terms of judicial order, as mentioned aforesaid, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released 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 Chief Judicial Magistrate, Gaya in connection with Complaint Case No.1020 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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