

IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS

JUDGE, AURANGABAD

B.P No.191/2026

Arising out of Complaint Case No.221/2021

Present:- Rajeev Ranjan Kumar, Sessions Judge, Aurangabad (Bihar)

Pushpendra Sharma, age 35 years, S/o Awadhesh sharma, R/o Vill-Pipra Bagahi,
P.S-Kutumba, Aurangabad Bihar

... Petitioner(s)

Versus

The State of Bihar

...Opposite Party(s)

Appearance :

For the Petitioner(s)

:

Md.Qaiyum Ansari

For the State

:

Sri Ajay Kumar, P.P

13.03.2026

The petitioner, who has been undergoing judicial custody since 02.02.2026, preferred this application for grant of regular bail in connection with Complaint Case No.221/2021 instituted for the offence u/s 323, 341, 498(A), 506 Indian Penal Code. A copy of the bail petition has been served upon the Id. P.P. for the State

The briefly stated complainant story is that complainant was married with petitioner-Pushpendra Sharma according to hindu rites and rituals in the year 2017 and, thereafter, she went to her sasural where petitioner and her in-laws had demanded motorcycle and cash of Rs.1.50 Lakh for business. It has been alleged that they have tortured, assaulted and expelled her out from house, after snatched her jewellery, clothes. A case was also lodged vide Matrimonial case no. 115/2019 before the Family court, Aurangabad which was compromised and petitioner took her in his home in the year 2021. It is further alleged that petitioner and her-in-laws's behaviour were not changed and again they tortured and assaulted her.

It has been submitted by the learned counsel appearing for the petitioner that the petitioner is an innocent and has been falsely implicated in this case. He further stated that petitioner has never demanded dowry nor tortured the informant as alleged. Petitioner is very poor person and he suffered health problem.

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Hence, he has not in condition to pay the amount as per direction of Hon'ble Patna High Court. Petitioner is having no criminal antecedents. On these grounds, it is prayed that the petitioner be given the privileges of bail.

On the other hand, learned P.P. for the State opposed the prayer for grant of bail to the petitioner.

Heard learned counsel for the petitioner and learned P.P. for the State.

There was a complaint case filed on behalf of complainant- Sangita Devi against the petitioner and her-in-laws family members to the effect that the accused persons used to torture her due to non-fulfillment of demand of dowry and lastly they evicted from her matrimonial home. The petitioner was granted anticipatory bail by the order of Hon'ble Patna High Court passed on dated 07.12.2023 vide Criminal Miscellaneous No. 42464/2023 with a specific direction that the petitioner will pay Rs.3000/- per month to opposite party no.2 named as Sangita Devi (complainant) in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 shall be at liberty to move before the learned Court below for cancellation of bail bond of the petitioner. However, after releasing on bail, the petitioner failed to pay the aforesaid amount as undertaken by him before the Hon'ble High Court and due to non-compliance of the direction, there was a petition moved by the side of the complainant for cancellation of bail bond of the accused- Pushpendra Sharma, and the bail bond of Pushpendra Sharma, was cancelled by the concerned court on dated 02.02.2026, hence, petitioner moved before this court. Petitioner has been sent to judicial custody in the said case on 02.02.2026 due to non-compliance of the direction as undertaken by him before the Hon'ble High Court. The learned counsel for the petitioner submits before the court that the petitioner is not in a position to pay aforesaid amount and he has been undergoing judicial custody for the last more than one month.

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Considering the fact that the petitioner has been undergoing judicial custody in the present case due to non-compliance of the direction of Hon'ble High Court which was arisen out of complaint case filed by the complainant Sangita devi and due to non-compliance of the aforesaid direction, the petitioner cannot be subjected to undergo for judicial custody for an indefinite period. It is also mentioned at para 3 of the bail petition that petitioner is having no criminal antecedent. Under the aforesaid facts and circumstances, the bail petition filed on behalf of the petitioner is hereby **allowed** subject to 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.

Dictated

(Rajeev Ranjan Kumar)
Sessions Judge
Aurangbad (Bihar)