

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32217 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -MAHILA P.S. District- LAKHISARAI

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1. Bibhanshu Sharma @ Guddu Sharma @ Bibhanshu Kumar Sharma S/o
Sri Ramautar Sharma R/o Village Anjunar, P.S. Dhamaul, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Babita Devi W/o Sri Bibhanshu Sharma @ Guddu Sharma, D/o Suresh
Mistri R/o Village Anjunar, P.S. Dhamaul, District Nawada. At present R/o
Village Sharma, P.S. Lakhisarai, District Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Pramod Kumar Pandey(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 07-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending
arrest in a case registered for the offence punishable under
Section 323,341,120B,307,404,504,506 and 498A/34 of the Indian
Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of
dowry demands. It is also alleged that attempt was made to
strangulate the informant.

It is submitted by learned counsel for the petitioner that
there is no injury report on record. The petitioner admits
marriage with the informant. On instructions, it is

submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 15 of the petition which reads as follows:

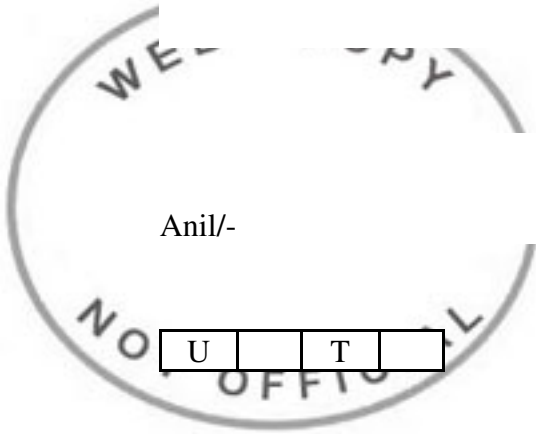
“ That the petitioner is the husband of the complainant and he is ready to keep his wife with well dignity and honour”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Lakhisarai in connection with Mahila (Lakhisarai) P.S. Case No. 5 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and on her appearance the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if

the informant deliberately gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)