

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40145 of 2015

Arising Out of PS.Case No. -60 Year- 2015 Thana -CHAUTHAM District- KHAGARIA

Sudhir Sharma, son of Rajo Sharma

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Asha Kumari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-08-2015

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 offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and has filed Matrimonial Case No. 26 of 2015 for restitution of conjugal rights. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"9. That the petitioner has already filed a matrimonial case No. 26 of 2015 for restitution of his conjugal

life which is in preliminary stage."

On instruction, learned counsel for the petitioner further submits that the petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"10. That the petitioner is ready to keep the informant with full honour and dignity."

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Chautham P.S. Case No.60 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 for her appearance. 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 learned court below in three eventualities (i) if the matrimonial

harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

Ashwini/-

(Dinesh Kumar Singh, J)

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