

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53311 of 2015

Arising Out of PS.Case No. -71 Year- 2015 Thana -MAHILA PS District- JAMUI

Bhola Vishwakarma S/o Shri Shyam Sundra Vishwakarma, resident of village- Bhandar, P.S.- Chanan, District- Lakhisarai, A/p- Bhola Nagar, Khairma, P.S.- Jamui, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Gudia Devi, W/o Shri Bhola Vishwakarma D/o Shri Ramdhani Mistry, resident of village- Bhandar, P.O.- Sangrampur, P.S.- Chanan, District- Lakhisarai, A/o- Village- Mahisaurhi, P.S. + District- Jamui

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma

For the Opposite Party/s : Mr. Sanjay Kr.Sharma(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 23-11-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 384, 379, 504 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. It is also alleged that earlier also through agreement the matter was resolved but at the instance of the brother of the petitioner forcibly took thumb impression of the informant of the plain paper and the petitioner deserted her.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 41 of 2012 for restitution of conjugal rights and still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That it is also relevant to mention here that the petitioner is ready to keep with his wife with all bonafide 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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Jamui in connection with Jamui Mahila P.S. Case No. 71 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant 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 within one year by the learned court below in three

eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.



(Dinesh Kumar Singh, J)

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