

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53197 of 2015

Arising Out of PS.Case No. -121 Year- 2013 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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Devendra Sharma S/o Vishwanath Sharma, Resident of Village-
Bhagwanpur, P.S.- Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Devi W/o Devendra Sharma @ Tunna Sharma, D/o Ram Bilash
Sharma presently residing at Mohalla- Brehmpura, P.S.- Brahmpura,
District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh

For the Opposite Party/s : Mr. Smt. Rina Sinha(App)

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

03/ 15-12-2015

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 Section 307, 323, 448 and 498A/34 of
the Indian Penal Code.

The basic accusation is of torture and causing
severe burn injuries.

The petitioner and the informant are preset in the
Court.

Counsel for the petitioner submits that the

petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:-

“That it is humbly submitted that the petitioner is ready to keep his wife with full dignity and honour.”

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 5th January, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months 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 Judicial Magistrate, Ist Class, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 121 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed 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.

However, it is made clear that if the informant complains about any kind of torture the learned court below will not confirm the provisional bail of the petitioner.

(Dinesh Kumar Singh, J)

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