

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33359 of 2015

Arising Out of PS.Case No. -27339 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Mukesh Kumar @ Mukesh Kumar Sharma @ Mukesh Sharma Son of
Sri Yugal Kishore Sharma R/o Gunatu, P.O. Gunatu, Via Sihor Badi,
P.S. Loshan, District Siker, Rajasthan Pin Code 332028

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Bibha Rani W/o Sri Gopal Lal R/o Natraj Gali, Bakarganj Bajaja,
infront of Ram Chandra Bhawan, P.S. Pirbahore, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary
For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-09-2015 The petitioner being husband of the
daughter of the complainant is apprehending his arrest in a
complaint case wherein processes were directed to be issued
after cognizance being taken for the offences under Section
498A of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

The basic accusation is of torture for non-
fulfilment of dowry demand.

The petitioner and daughter of the
complainant are present. The petitioner admits his marriage
with the daughter of the complainant and birth of a female
child and is ready to keep the daughter of the complainant with
dignity and honour. A statement to that effect has been made

in para 11 of the petition which reads as follows:-

“That the petitioner is
ready to keep complainant’s daughter as his wife
with full dignity and respect.”

The daughter of the complainant is ready to accept the offer of the petitioner but she was caused serious burn injuries hence she is getting treated. Hence, she wants to resume the conjugal life after four months.

It is submitted by learned counsel for the petitioner that daughter of the complainant received accidental burn injury.

In the alternative, petitioner is ready to make payment Rs. 4000/- to the daughter of the complainant from September, 2015 to December, 2015, by depositing the same in the bank account of the daughter of the complainant by third week of every succeeding month. The offer is acceptable to the daughter of the complainant who undertakes to supply her bank account number within a period of one week by submitting the same on affidavit before learned Court below.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of

learned Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 27339(C) of 2014.

The petitioner and daughter of the complainant undertakes to appear before learned Court below on 7th of December, 2015 when the petitioner will take the daughter of the complainant to her matrimonial house to keep her as wife with dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the daughter of the complainant fails to appear before learned Court below (iii) If the daughter of the complainant is reluctant to reconcile the issue.

None payment of the above undertaken amount will give liberty to the learned Court below to pass appropriate order while passing order for confirmation of provisional bail of the petitioner.

Shageer/-

(Dinesh Kumar Singh, J)

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