

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37223 of 2015

Arising Out of PS.Case No. -156 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

1. Shambhu Paswan @ Ranjeet, son of Sri Mohan Paswan, resident of village- Sohabad, P.S.- Pirpainti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-08-2015 Heard learned counsel 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, 341, 323, 379, 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand. Petitioner married with the informant but accusation of torture is levelled after 15 days of marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits the marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has

been made in para- 9 of the petition which reads as follows:-

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

The petitioner is a Constable posted as Body Guard of Sales Tax Officer, Ranchi and at present he has no residential accommodation to keep the informant. The petitioner undertakes to take her to matrimonial house at present and after four months the petitioner will take the informant to his place of employment.

Learned 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 of October, 2015 when the petitioner will take the informant to keep her with dignity and honour.

Considering the present stand of the petitioner that petitioner will take the informant to his native place and after three months of the same he will take at the place of employment. It is further submitted that petitioner will withdraw the Matrimonial Case No. 67 of 2015.

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, Bhagalpur in connection with Pirpanti P.S. Case No. 156 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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