

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26039 of 2015

Arising Out of PS.Case No. -116 Year- 2014 Thana -RIGA District- SITAMARHI

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1. Ramesh Thakur son of Lauxaman Thakur, R/o village- Madheshra, P.S.-
Sonbarsa, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Babbi Devi D/o Nagendra Thakur, R/o village- Ramnagra, P.S.- Riga,
District- Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. R.N.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-08-2015 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 offence punishable under Sections 147,148,149,323,379,498A and 504/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

In pursuance to the notice issued to the informant O.P. No. 2 vide order dated 2.7.2015, the petitioner and the informant are present.



The petitioner admits his marriage with the informant and birth of two children. The petitioner further undertakes to withdraw Matrimonial Case No. 108 of 2014 filed with prayer for divorce though subsequent to the present criminal case. The petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph no.10 of the petition, relevant portion of which reads as follows:

“.....the petitioner is still ready to keep her with full respect and dignity with a condition that she will take care of the petitioner as he is a disabled person.”

The offer is acceptable to the informant who is present in court. Both petitioner and the informant agree to appear before the learned court below on 24.8.2015 when the petitioner will take the informant to keep her as wife with full dignity and honour.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount

each to the satisfaction of learned CJM Sitamarhi in connection with Riga P.S. Case No. 116 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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