

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10857 of 2016

Arising Out of PS.Case No. -234 Year- 2015 Thana -KHAIRA District- JAMUI

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1. SHARWAN KUMAR SAH @SARWAN SAH Son of Dasrath Sah,
resident of village- Deopur, P.S. Khaira, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-10-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 324, 307, 313, 354B, 376/511 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture and making assault. It is specifically alleged that father of the petitioner made an attempt to ravish the informant.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and it is the informant who herself deserted the petitioner and thereafter levelled frivolous accusation against the petitioner and his family members. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 15 of the petition which reads as follows:-

“That the informant is a quarrelsome lady, she never paid any respect and regard to the petitioner and he is still ready to keep the informant as his wife with all respect and regard.”

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that informant eloped with her brother-in-law namely Pappu Sah for which the petitioner filed Complaint Case No. 1628C of 2015 on 26.09.2015 and thereafter the informant filed Complaint Case No. 1671C of 2015 on 05.10.2015 which came to be registered as police case on 03.11.2015 wherein the informant made accusation that she was assaulted on 30.08.2015, as a result her pregnancy got terminated on 31.08.2015 which suggests the unreasonableness of making accusation. In fact, the informant gave birth to a premature child who after two days of the birth died. The petitioner, in the circumstance, is not ready to resume the conjugal life.

It is submitted by learned counsel for the informant that due to the assault made by the petitioner and others the pregnancy got terminated. The informant has not performed second marriage. However, the informant is ready to get the issue settled on payment of one time settlement amount.

It is submitted by learned counsel for the

petitioner that petitioner is ready to resolve the issue on payment of one time settlement amount within a period of three months and till three months the petitioner is ready to make payment of Rs. 2000/- per month to the informant by depositing the same in the bank account of the informant.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks from today.

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 four months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 234 of 2015, 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 learned Court below on resolution of the issue either in terms of one time settlement amount on parting ways or otherwise within a period of four months.

(Dinesh Kumar Singh, J)

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