

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1476 of 2016

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1. Shankar Sah Son of Bhola Sah R/o Village- Ziccho Pokhar Aadarsh
Nagar, P.S.- Sultanganj, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Versha Devi wife of Shankar Sah, D/o Kishan Sah, R/o Mohalla-
Golaghat, P.O.- Nayabazar, P.S. Tatarpur, District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha

For the Opposite Party/s : Mr. Ashok Kumar(App)

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

ORAL ORDER

3 09-05-2016 Though the matter has been listed under the heading

‘For Orders (on office notes)’ awaiting service report of notice

issued to O.P. No. 2 but since Mr. D.N. Jha, learned counsel has

entered appearance on behalf of O.P. No. 2 the matter is being

taken up on merits.

Heard learned counsels for the petitioner,

complainant and the State.

The petitioner and the complainant are present. The

petitioner being the husband of the complainant is apprehending

arrest in a complaint case filed with accusation under Sections

323,504,506 and 498A 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.

The petitioner admits his marriage with the complainant. On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 9 of the petition which reads as follows:

“That it is further stated by the petitioner that he is still ready to keep her with giving all due regard and honour what she deserves as wife.”

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but it is submitted that in earlier complaint case filed with similar accusation the petitioner made the similar undertaking but failed to comply the same. Both petitioner and the complainant agree to appear before the learned court below on 30.5.2016 when the petitioner will take the complainant 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 SDJM Bhagalpur in connection with Complaint Case No. 417 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 complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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