

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2709 of 2016

Arising Out of PS.Case No. -482 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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1. Shyam Lal Raut Son of Ram Charita Raut Resident of Village-Mela Road, Lohiya Nagar, Bhawdepur, Sitamarhi, P.S. and District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari W/o Shyam Lal Raut, Daughter of Suresh Gami, at present residing at Bharoulia, P.S.-Bathanaha, District-Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-05-2016 Though the matter has been listed under the heading ‘For Orders (on office notes)’ since the O.P. No. 2 was not found present on the given address as she had gone to Punjab. Service report of notice issued to O.P. No. 2 under registered cover has not been received as yet.

In view of the above facts, let the notice issued to O.P. No. 2 be deemed as validly served. Hence, the matter is being taken up on merits.

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 341,323,313,498A and 379 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 and getting the pregnancy terminated.

On instructions, it is submitted that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 11 of the petition which reads as follows:

“That, it is stated that petitioner is the husband of the informant. That, it is stated that the petitioner is still ready to take back his wife (opp. Party. No.2) with full love, care, honour & dignity and tried his level best to get her back but the opp. Party. No. 2 paid no heed to it and lastly filed the instant case.”

The impugned order reflects that on notice being issued by the learned Sessions judge, neither the petitioner nor the informant appeared. The father of the petitioner appeared and submitted that the petitioner is not ready to keep the informant. It is submitted by learned counsel for the petitioner that a wrong submission was made on behalf of the petitioner. The petitioner is present and is ready to keep the informant as wife.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory

bail for six months in the event of arrest or surrender before the learned Court below within a period of six 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 Sitamarhi P.S. Case No. 482 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and 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 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)

Anil/-

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