

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11910 of 2016

Arising Out of PS.Case No. -60 Year- 2014 Thana -MAHILA P.S District- SUPAUL

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1. Sunil Sah, Son of Jageshwar Sah, resident of Village- Sunderpur, Police Station & District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalita Devi, Wife of Sunil Sah, Daughter of Late Griab Sah, resident of Village- Khutani Mohania, Police Station- Banmankhi, District- Purnia, At present Bishwanath Sah @ Budhiyar Sah, Son of Madho Sah, resident of Veena Tola Sunderpur, P.S. & District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-08-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 342, 504, 506, 498A, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant but due to the ugly behaviour of the informant the mother of the petitioner has filed Complaint Case No. 199C of

2014 prior to filing of the present case. The petitioner has also filed Matrimonial Suit No. 6 of 2014 for dissolution of marriage since informant is leading adulterous life.

Now it is submitted by learned counsel for the petitioner that petitioner is ready to keep the informant with dignity and honour and is also ready to withdraw the criminal case as well as matrimonial suit, though statement to that effect has not been made in the petition.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner as similar was the stand of the petitioner before learned Court below but outside the Court the petitioner refused to comply the undertaking.

Considering the present stand of the parties, this Court is inclined to give one chance to the petitioner to make effort to get the issue reconciled.

Both sides agree to appear before learned Court below on 19th of September, 2016, when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

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 six

months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Supaul in connection with Mahila Supaul P.S. Case No. 60 of 2014.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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