

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48187 of 2015

Arising Out of PS.Case No. -104 Year- 2015 Thana -KHAZANIHAT District- PURNIA

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1. Pramod Sah @ Pramod Kumar Sah S/o Late Narayan Sah, resident of Mahathwana, P.S. Bhargama, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Sweta Kumari W/o Pramod Sah, D/o Panchanan Pd. Sah, resident of Mohalla- Narkatia Thana Chowk, Ward No. 14, P.S. Khajanchi Hat, P.O. Madhubani, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Das, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-05-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 406, 504, 120B/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand.

The petitioner and the informant are present before the Court.

It is submitted by the learned counsel for the petitioner that since the informant herself deserted the

petitioner the petitioner has filed Matrimonial Case No. 72 of 2015 with a prayer for divorce, though after filing of the present case.

It is submitted by learned counsel for the petitioner that petitioner admits the marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has not been made in the petition. The petitioner made best effort to bring the informant in matrimonial house with full dignity and honour, but the informant and her entire family members did not allow her to go with the petitioner. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That the petitioner had tried his level best to bring back the informant to his house with honour and keep her with full dignity, but the informant and her entire family members did not allow her to go with the petitioner. Hence the petitioner had no option but filed Matrimonial Case No. 72 of 2015 for decree of divorce.”

It is further submitted that petitioner is ready to withdraw the Matrimonial Case No. 72 of 2015.

Both the petitioner and informant agree to appear before the learned court below on 6th of June, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the

petitioner.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat P.S. Case No. 104 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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