

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26144 of 2016

Arising Out of PS.Case No. -65 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Sarvesh Giri son of Bideshi Giri, resident of Village- Chikanauta, Police
Station- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Sri Jitendra Kumar Roy 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 15-12-2016 Heard learned counsels for the petitioner, informant
and the State.

The petitioner being the husband of the daughter of
the informant is apprehending arrest in a case registered for the
offences punishable under Sections 323, 324, 325, 504, 506 and
498A of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

Basic accusation is of torture and assaulting the
daughter of the informant for non-fulfilment of the dowry
demand.

It is submitted by learned counsel for the petitioner
that the petitioner admits his marriage with the daughter of the
informant and there is no injury report on record to suggest the



accusation. The petitioner is ready to keep the daughter of the informant as wife with full dignity and honour, statement to that effect has been made in para 8 of the petitioner which reads as follows:-

“That the petitioner is ready to keep his wife with full honour and dignity.”

The petitioner and his wife are present in the Court.

It is submitted by learned counsel for the petitioner that the issues have been reconciled between the parties and both are ready to resume the conjugal life. The petitioner is ready to take his wife from the Court itself.

Learned counsel for the informant submits that the daughter of the informant is ready to accept the offer of the petitioner and to go with the petitioner to resume the conjugal life from the Court itself. However, she is apprehensive that there is no toilet in the house of the petitioner. In response thereof counsel for the petitioner submits that new house is under construction and the said grievance of the daughter of the informant will be redressed very shortly.

Considering the present stand of the parties, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, East Champaran, Motihari, in connection with Sugauli P.S. Case No.65/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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