

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32771 of 2016

Arising Out of PS.Case No. -437 Year- 2016 Thana -SAHARSA District- SAHARSA

- =====
1. Sita Devi W/o Late Ashok Pd. Bhagat
 2. Binod Bhagat @ Vinod Kumar Bhagat
 3. Guriya Devi W/o Binod Bhagat @ Vinod Kumar Bhagat
- All are resident of Village- Mahrajganj, P.S.- Jamui, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinki Kumari D/o Shoha Bhagat resident of Village- Kachhari Dhala, Ward No.1, Saharsa, P.S.- Saharsa, District- Saharsa.

.... Opposite Party/s

=====

With

Criminal Miscellaneous No.33535 of 2016

Arising Out of PS.Case No. -437 Year- 2016 Thana -SAHARSA District- SAHARSA

=====

Pramod Kumar Bhagat @ Pramod Bhagat, S/o Late Ashok Bhagat, Resident of Village – Mahrajganj, P.S. Jamui, District – Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari D/o Shoha Bhagat resident of Village- Kachhari Dhala, Ward No.1, Saharsa, P.S.- Saharsa, District- Saharsa.

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.32771 of 2016)

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Md. Fahimuddin

(In Cr.Misc. No.33535 of 2016)

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 24-10-2016

Heard learned counsels for the petitioners, State

and the informant opposite party no. 2.

The petitioner Pramod Kumar Bhagat @

Pramod Bhagat (Cr. Misc. No. 33535 of 2016) being the husband of the informant and petitioners in Cr. Misc. No. 32771 of 2016 being the mother, brother and brother's wife of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. It is alleged that on 18.10.2015 the mother of the husband of the informant started abusing the informant. On protest being made she ordered to kill when the husband of the informant Pramod Kumar Bhagat assaulted with Farsa on the head and the husband's brother Binod Bhagat made assault on the neck with knife but the informant received injury near the left ear when other accused persons assaulted her with lathi.

It is submitted by learned counsel for the petitioners that the petitioner Pramod Bhagat admits his marriage with the informant and is ready to keep the informant as wife who admits his marriage. Statement to that effect has been made in paragraph 11 of Cr. Misc. No. 33535 of 2016, which reads as follows:-

“That the petitioner is the husband of the informant and he is always ready to keep his

wife with full respect and dignity.”

It is further submitted that the injury has been found superficial simple in nature.

Petitioner Pramod Kumar Bhagat and the informant are present in the Court.

Counsel for the informant submits that the informant is ready to accept of offer of petitioner Pramod Kumar Bhagat.

Both petitioner Pramod Kumar Bhagat and the informant agree to appear before the learned court below on 10th of November, 2016 when petitioner Pramod Kumar Bhagat will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of petitioner Pramod Bhagat and the informant, let the above named petitioner Pramod Kumar Bhagat 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, Saharsa in connection with Saharsa Sadar P.S. Case No. 437 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner Pramod Kumar Bhagat will be confirmed 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.

Considering the present stand of the informant and her husband Pramod Bhagat, let the above named petitioners of Cr. Misc. No. 32771 of 2016 be released on anticipatory bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 437 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--