

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37171 of 2016

Arising Out of PS.Case No. -41 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

1. Sharwan Kumar Sah Son of Ram Nath Sah, Resident of Village-
Khangura, Police Station- Katra, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Jha, Adv.

For the Opposite Party : Mr. Ataur Rahman, APP 191

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-08-2016

Heard the learned counsel for the petitioner and the State.

The petitioner, being the husband of the informant, apprehending arrest in a case registered under Sections 498A of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand. It is alleged that the petitioner has driven out the informant from the matrimonial house.

On instruction, it is submitted that the petitioner admits his marriage with the informant and is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition, which reads as follows :

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

It is, further, stated that the similar stand was taken before the learned Court below.

Considering the present stand of the petitioner, above named, 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 twelve weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Madhubani Mahila P.S. Case No. 41 of 2015 to the satisfaction of the Subdivisional Judicial Magistrate, Madhubani, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

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 anticipatory 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)

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