

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41447 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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DHIRENDRA PRASAD GUPTA @ DHIRENDRA GUPTA son of
Nathuni Prasad Gupta resident of Village- Patkhauliya, P.S.- Patahi,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Baby Devi daughter of Yashwir Sah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Sri Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341/323/504/498A/313/328/406/34 of the Indian Penal Code, 3/4 of the Dowry Prohibition Act and 22(1)/23(3) of The Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

Prosecution case is that the marriage of the informant, namely, Babi Devi, was performed with Dhirendra Prasad Gupta on 13.03.2008, but thereafter the torture was inflicted for non-fulfillment of dowry demand. It is further alleged that when the informant conceived, sex determination of foetus was made

forcibly by the accused persons and when it is found that foetus is female then she was asked to get the pregnancy terminated, on refusal of the same, she was assaulted, as a result, her pregnancy got terminated.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. There is nothing on record to suggest that any forcible sex determination of foetus was made or the pregnancy of the informant got terminated. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"That, be that as it may, the petitioner has no grievance against his wife, and he, however, undertakes before the Hon'ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security."

On instruction, learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and is not opposing the prayer for bail.

Both sides agree to appear before the learned court below on 20th October, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

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 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 CJM, East Champaran at Motihari, in connection with Mahila P.S. Case No.19/2016, 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)

Ashwini/-

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