

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40286 of 2016

Arising Out of PS.Case No. -66 Year- 2016 Thana -MANIGACHI District- DARBHANGA

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1 Vevekanand Jha son of Ram Sagar jha Resident of Village-Shankarpur
Adhloam, Police Station-Bahera, District-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari wife of Vevejanand Jha Resident of Village-Shankarpur
Adhloam, Police Station-Bahera, District-Darbhanga At Present- Soni
Kumari Daughter of Ram Shankar Jha Resident of Village- Badanath,
Police Station-Manigachhi, District-Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

04/ 15-12-2016

Heard learned counsels for the petitioner, State
and the opposite party no.2-informant.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 341, 323, 314, 379, 498A, 504,
506, 120B 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 and due to the assault the
pregnancy of the informant got terminated.

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the informant having no issue and there is no proof with regard to the termination of pregnancy. It is further submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:-

“That the petitioner is husband of informant and ready to keep her with full dignity and honour.”

From the impugned order it appears that initially the petitioner took the stand that he is ready to keep the informant as wife with dignity and honour, but on appearance of the informant the petitioner failed to appear before the learned court below. It further appears that the petitioner has filed Matrimonial Suit No. 14 of 2015 with a prayer for divorce.

Counsel for the petitioner further submits that he is ready to withdraw the matrimonial suit, though statement to that effect has not been made in the petition. The petitioner is still ready to keep the informant at his place of employment and take the informant from the Court itself.

Counsel for the informant submits that the informant is ready to go with the petitioner from the Court itself.

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 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 Sub-divisional Judicial Magistrate, Darbhanga in connection with Manigachhi P.S. Case No. 66 of 2016, 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 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 complainant/informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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