

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4058 of 2016

Arising Out of PS.Case No. -298 Year- 2015 Thana -DHAMDHAHA District- PURNIA

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1. Shankar Kumar Jha @ Shankar Jha Son of Birendra Jha, Resident of
Villaeg - Dhamdaha Madhya, Ward No. 4, P.S. - Dhamdaha, District -
Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ritu Devi, Wife of Shankar Kumar Jha @ Shankar Jha, Daughter of
Uday kant Jha, Resident of Village - Dhamdaha Madhya, Ward No. 7 P.S. -
Dhamdaha, District - Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sanjay Kr.Sharma(App)

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

ORAL ORDER

2 27-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband is apprehending arrest
in a case registered for the offences punishable under Section 341,
323, 498A, 504/34 of the Indian Penal Code and under section 3/4
of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of
dowry demands.

Learned counsel for the petitioner submits that initially
the informant deserted the petitioner but the petitioner filed
Matrimonial Suit No. 31 of 2015 and even after reconciliation, the
present case was filed.

The petitioner admits marriage with the complainant.

On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 14 of the petition which reads as follows:-

“14. That the petitioner being her husband and he is also father of a male child and he always ready to keep the opposite party No.2 and her child with full honour and dignity but inspite of his hectic attempt the opposite party No.2 did not want to reside in her matrimonial house.”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri L. B. Paswan, learned JM 1st class, Purnea in connection with Dhamdaha P.S. Case No. 298 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional 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 complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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