

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8222 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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Kameshwar Sharma, son of Shankar Dayal Sharma

..... Petitioner/s

Versus

State of Bihar & Anr

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2016 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 498A, 323, 341, 34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and issue of two children from the wedlock. The petitioner filed Matrimonial Case no.169/2014 with a prayer for divorce and thereafter the present case has been lodged.

It is further submitted that 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 9 of the petition which reads as follows:-

"9. That the petitioner is even ready to settle the dispute with the victim lady and he is ready to take her to her matrimonial home with all respect, honour and human dignity."

Considering the present stand of the petitioner, let the above named petitioner 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Rohtas at Sasaram in connection with Rohtas Mahila P.S. Case No.50/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

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)

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