

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4101 of 2016

Arising Out of PS.Case No. -1897 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Chandan Sharma Son of Mahendra Sharma resident of village/Mohalla -
Baidadih, P.S. Amarpur, Distt. - Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Sharma W/o Chandan Sharma resident of - Baidadih, P.S. Amarpur,
Distt. - Banka at Present resident of D/o Vijay Sharma resident Agarpur
Koyla, Sharma Tola, P.S. Lodipur, Distt. - Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. U.L.Verma(App)

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

ORAL ORDER

4 26-04-2016 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 354A, 379, 307, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant. Though the petitioner has filed Matrimonial Suit

No. 106 of 2015 with a prayer for divorce but now the petitioner is ready to keep the complainant as wife with full dignity and honour and ready to withdraw the Matrimonial Suit. Statement to that effect has been made in para-3 of the supplementary affidavit which reads as follows:-

“That it is humbly stated and submitted that now the petitioner after forgetting to all those previous thing is ready to keep O.P. No. 2 with all dignity and honour, but the O.P. No. 2 has to give undertaking before the Hon’ble Court that she will never left matrimonial house without consent to the petitioner and father of the O.P. No.2 will not interfere in the familiar life of parties.”

It is further submitted that petitioner has not solemnized second marriage. Statement to that effect has been made in para-4 of the supplementary affidavit which reads as follows:-

“That petitioner has not solemnized second marriage nor he has any intension though the petitioner earlier also co-cooperate with the O.P. No. 2 and today also ready to give love and affection to his child but it is the wife (O.P. No. 2) who has to give due regard and respect to mother and father of the petitioner.”

Learned counsel for the complaint submits that the complainant is ready to accept the offer of the petitioner.

Both the petitioner and complainant appear before the learned court below on 5th of May, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

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 Judicial Magistrate, Ist Class, Bhagalpur in connection with Complaint Case No. 1897 of 2014, 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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