

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13122 of 2016

Arising Out of PS.Case No. -215 Year- 2015 Thana -SONBERSA District- SITAMARHI

Surendra Mahto Son of Deo Narayan Mahto Resident of village - Bhutahi,
P.S. Sonbarsa, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Bindu Devi Wife of Surendra Mahto and Daughter of Rambali Mahto
Resident of village - Mathiya, P.S. Sonebarsa, District - Sitamarhi

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 08-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand. It is specifically alleged the informant was assaulted by this petitioner by means of Farsa on her head.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the

informant, hence, demand of dowry after thirteen years of the marriage appears unbelievable. Moreover, one lacerated injury has been found on the right posterior area of the head caused by hard and blunt substance simple in nature whereas the accusation of assault by sharp cutting weapon like Farsa. The petitioner is still ready to keep the informant as wife with full dignity and honour, though, statement to that effect has not been made in the petition.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned court below on 29th of August, 2016 when the petitioner will take the informant 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 six months 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 Additional Chief Judicial Magistrate-4, Sitamarhi in connection with Sonebarsa P.S. Case No. 215 of 2015, 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 informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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