

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17448 of 2016

Arising Out of PS.Case No. -116 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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1. Vishnu Jee Sharma Son of Shiv Bachan Sharma, Resident of village/Mohalla- Lalganj, P.S.- Aayar, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Damini Sharma, wife of Vishnu Jee Sharma, resident of village- Tarari, P.S.- Tarari, District- Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra
For the Opposite Party/s : Mr. Anil Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-04-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is
husband of the complainant/informant
and was keeping her in matrimonial house

with all dignity and respect and is still ready to keep her in the matrimonial house.”

It is further submitted that informant is suffering from some mental abrasion for which the petitioner is ready to provide her all medical assistance. Earlier also the informant has filed Tarari P.S. Case No. 1 of 2014 wherein the petitioner was taken into custody and granted regular bail on the basis of compromise but subsequently again the informant left the matrimonial house.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Ara in connection with Mahila P.S. Case No. 116 of 2016.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial

harmony within a period of one year (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

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(Dinesh Kumar Singh, J)