

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34642 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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1. Pankaj Sharma @ Pankaj Kumar Sharma son of Shri Surya Narayan Sharma resident of village Abhiya Bazar, P.S. Gopalpur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Veena Devi, W/o Pankaj Sharma @ Pankaj Kumar Sharma, D/o Shildhar Sharma, resident of village- Abhiya Bazar, P.S.+ P.O.- Gopalpur, District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 09-05-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494, 341, 323, 504, 506, 120 B/34 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 and performing second marriage.

The petitioner and informant are present.

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

informant and birth of two children. The petitioner is ready to keep the informant and children as wife with full dignity and honour. Statement to that effect has been made in para-9 of the petition which reads as follows:-

“That it is further stated and submitted that the petitioner has never assaulted and demanded dowry from the informant or her father and he is ready to keep her with full dignity and respect.”

Since, the petitioner is ready to maintain the informant and children and provide them basic amenities along with facilities of their education.

Considering the fact that informant in spite of acknowledging this fact that petitioner has performed second marriage, she is ready to resume the conjugal life and is not opposing the prayer for bail at present.

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 Sri R.V.S. Parmar, J.M., Ist Class, Naugachia, Bhagalpur in connection with Naugachia Mahila P.S. Case No. 03 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both the petitioner and informant agree to appear

before the learned court below on 30th of May, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

On the joint prayer of the parties, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority vide order dated 14.12.2015. The report of the Mediator dated 25.02.2016 at Flag-C reflects that the issue could not be resolved through the process of mediation.

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 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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