

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42229 of 2016

Arising Out of PS.Case No. -38 Year- 2015 Thana -MAHILA P.S. District- SAHARSA

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1. Rahul Sharma @ Rahul Kumar Sharma Son of Bijendra Narain Sharma
Resident of Village- Belwara, P.S Bakhtiyarpur, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Soni Kumari Wife of Rahul Kumar Sharma, daughter of Billat Das
Resident of Village- Bamfar, Chowk Ward No. 11, P.s. & District Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016 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 offence
punishable under Sections 498A and 323/34 of the Indian
Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non
fulfillment of dowry demands. It is alleged that on 13.5.2013
the accused persons including the petitioner tried to
strangulate the informant.

On instructions, it is submitted that the petitioner
admits his marriage with the informant and is ready to keep

the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 9 of the petition which reads as follows:

“That, in spite of the aforesaid fact, the petitioner is ready to keep the O.P. wife with full dignity, love and affection.”

It is further submitted that for the occurrence of 13.5.2013 the FIR was registered on 20.7.2015.

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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Saharsa in connection with Mahila P.S. Case No. 38 of 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 and 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 the learned court below in three eventualities – (i) if

the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.



(Dinesh Kumar Singh, J)

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