

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38538 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -MAHILA PS District- DARBHANGA

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Shankar Mishra @ Shankar Kumar Mishra, S/o Uma Kant Mishra, R/v-
Mahatwar, P.s.-Ghanshyampur, Dist.-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Devi, D/o-Sushil Kumar Thakur, R/v Rasiyari, P.S.-
Ghanshuampur, Dist-Darbhang

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma, APP

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

2 19-08-2017 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 offences punishable under Sections 323/379/498A504/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant, Laxmi Devi, got married with the petitioner on 20th April, 2006. Subsequently, she was blessed with a female child, but, thereafter, the petitioner inflicted torture for non-fulfillment of further dowry demand of Rupees One Lacs. However, Rupees One Lacs was paid by the father of the informant. Subsequently, Rupees Five Lacs was taken as loan, but the same was not returned and ultimately, the



informant was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a female child. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph 8 of the petition which reads as follows:-

“That the petitioner is husband of the informant and ready to keep his wife with full dignity and honour.”

It is further submitted by learned Counsel for petitioner that similar was the stand of the petitioner before the learned Court below, but in spite of service of notice to the informant, she failed to appear for conciliation, which gets reflected from the last paragraph of the impugned order dated 05.07.2017, passed in ABP No. 138/2017, which reads as under :-

“Considering the above facts and circumstances of the case, it appears that the conduct of victim is not appreciable as inspite of proper information she did not appear in the Court while telephonic message has also been conveyed and the denial of her appearance in the Court is heard by the Court also during course of conversation on mobile phone. Having regard to the aforesaid facts and circumstances of the case, the anticipatory bail application is disposed of with a direction to surrender before the Court below and seek regular bail.”



Considering the nature of accusation and the present stand of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve 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 SDJM, Biraul, Darbhanga, in connection with Mahila P.S. Case No.26 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the grant of bail will not preclude the informant to resume the conjugal life, if she files any application in future for resuming the conjugal life, the petitioner will be obliged to obey the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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