

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5940 of 2017

Arising Out of PS.Case No. -116 Year- 2016 Thana -GAMAHARIYA District- MADHEPURA

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Mahipal Tanti, S/o Late Anirudh Tanti, R/o village- Khar, P.S. Gamhariya,
District- Madhepura

.... Petitioner

Versus

1. State of Bihar
2. Punam Devi, W/o Mahipal Tanti, D/o Kameshwar Tanti, R/o Village-
Khar, P.S. Gamhariya, District- Madhepura

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Naresh Kumar Mehta, Advocate

For the Opposite Parties : Mr. Sri Nand Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 20-04-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with Gamhariya P.S. Case No. 116 of 2016, registered for the offences punishable under Sections 341, 323, 379, 494, 498A, 504, 506/34 of the Indian Penal Code.

The informant Punam Devi was married to the petitioner and out of the wedlock there is a daughter. Allegedly due to non-fulfillment of demand of Buffalo, Television and cash the informant (Punam Devi) was humiliated, assaulted and removed from the matrimonial house. On 11.08.2016, she came to know that her husband has married with another lady, and on getting such information, when she came to her matrimonial house along with her daughter and father, her in-laws including her



husband brutally assaulted her and her father snatched away a silver chain worth Rs. 2,000/- and ear ring worth Rs. 8,000/-, they clearly stated that if additional dowry demand could not be fulfilled then she will not be allowed to live in the in-laws house.

Submission is of false implication and that the informant is a lady of questionable character and she had been engaged with her villager Uday Sah and she is living with him. The petitioner has filed Divorce Case No. 27 of 2013 which is pending in the Court of Principal Judge, Family Court, Madhepura. The petitioner has been depositing Rs. 500/- per month in the bank account of the informant. The informant is not ready to live with the petitioner also inspite of notice she has not turned up and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that the petitioner is depositing Rs. 500/- per month in the bank account of his wife (informant) and earlier the petitioner has remained in custody and then by order dated 30.04.2013 passed by this Court, he was allowed interim bail which was confirmed by order dated 18.06.2014 in view of the report of



learned Mediator and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar Singh, learned A.C.J.M.,-IV, Madhepura, in connection with Gamhariya P.S. Case No. 116 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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