

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39481 of 2016

Arising Out of PS.Case No. -25 Year- 2016 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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Mantu Choubey son of Sri Sushil Choubey, Resident of village + P. O. -
Nima, P. S. - Rajpur, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi, D/o Shiv Person Upadhayay, resident of village + P.O. +
P.S.- Karahgar, District – Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Sri Shantanu Kumar

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

04/ 02-03-2017

Heard learned counsels for the petitioner and the

State. Petitioner is present. However, none appears for the
informant-opposite party no.2.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A, 323, 341, 342, 504 and
380/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition
Act.

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

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



informant and birth of a male child and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 11 of the petition, which reads as follows:-

“That it is humbly stated that the petitioner is still ready to keep the O.P. No. 2 wife with full dignity in his house.”

It is further submitted that similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order dated 01.08.2016 but the offer of the petitioner was refused by the informant as she was apprehending threat to her life. The relevant portion of the impugned order reads:-

“He is ready to keep; the informant with him.”

“The informant turning up before the court in person refused to live with the petitioner apprehending threat to her life at the hand of the petitioner.”

Notices were issued to informant-opposite party no. 2 vide order dated 09.09.2016. The office note dated 14.12.2016 reflects that the notices have been received by the opposite party no. 2 herself. It appears that one Mr. Uma Shankar Singh, Advocate has entered appearance on behalf of opposite party no. 2, but none is appearing on behalf of opposite party no.2.



Considering the nature of accusation coupled with the stand of the petitioner that he is ready to keep the informant as wife but the informant failed to appear and controvert the contention of the counsel for the petitioner, let the above named petitioner be released on anticipatory bail, 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 Chief Judicial Magistrate, Sasaram, Rohtas in connection with Mahila P.S. Case No. 25 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail will not preclude the informant to resume conjugal life. If the informant files such an application before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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