

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38491 of 2017

Arising Out of PS.Case No. -88 Year- 2016 Thana -ANDHRAMATH District- MADHUBANI

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Ramesh Kumar Sah, Son of Shambhu Sah, Resident of
Village-Mahadevmath, P.S.-Andharmath, Distt.- Madhubani.

.... Petitioner

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-08-2017 Heard learned counsels for the petitioners and the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 354B and 504/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated on the written report dated 05.10.2016, submitted by the informant, before the Officer-in-Charge, Andharamath Police Station, to the effect that the informant was married with the petitioner six months prior to the lodging of the present case, but the father-in-law of the informant tried to outrage her modesty. Subsequently, dowry demand was made and due to non-fulfillment of the same, the informant was tortured and assaulted by the accused persons



including the petitioner. The accused persons also forced the informant to live at her parents' house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant, but within few months of marriage, the present case has been registered with frivolous accusations. The petitioner is still ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 10 of the petition, which reads as follows:-

“That it is humbly submitted that the petitioner is ready to keep her with full dignity and honour.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year, 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 Additional Chief Judicial Magistrate-III, Jhanjharpur (Madhubani) in connection with Andharamath P.S. Case No. 88 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the



informant for her appearance, when the petitioner will take the informant to her matrimonial house 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 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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