

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37855 of 2018

Arising Out of PS. Case No.-137 Year-2018 Thana- GARKHA District- Saran

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Dipak Kumar Sharma @ Dipak Sharma, S/o Vishwakarma Sharma, R/o Vill.-
Chintamanganj, P.S.- Garkha, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.
For the Opposite Party/s : Sri Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2018 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 323/341/498A/504/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated on the basis of written report dated 12.04.2018 submitted by Mala Devi to the Station House Officer, Garkha Police Station to the effect that the informant was married with the petitioner on 25.02.2016. Four months the matrimonial life was happy, but, thereafter, dowry demand of motorcycle, Colour TV and Rupees Two Lacs was made and due to non-fulfillment of the same, torture was



inflicted. Ultimately, on 12.04.2018, the informant was driven out from the matrimonial house after snatching all her belongings.

It is submitted on behalf of the petitioner that the petitioner admits his marriage with the informant, having no issue out of the wedlock. The accusation of assault is not corroborated by any medical opinion. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.11 of the petition, which reads as under :-

“That the petitioner is still ready to keep the informant with all love and affection.”

Similar was the stand of the petitioner before the learned Court below when the informant appeared before the learned Court below, but she declined to accept the offer of the petitioner, which gets reflected from the last portion of the impugned order. However, in alternative the petitioner is ready to make payment of Rs.1200/- per month to the informant from August, 2018 by depositing the same in the bank account of the informant by second week of every succeeding month.

Learned APP submits that there is specific accusation



against the petitioner.

Considering 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 12 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 the learned ACJM-II, Saran, Chapra, in connection with Garkha P.S. Case No.137 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the informant within a period of three weeks when it is expected that the informant will provide her bank account number to the petitioner by filing the same on affidavit before the learned court below. However, in the event, if the informant fails to submit her bank account number or, on appearance, she declines to accept the offer of the petitioner, the aforesaid amount will be deposited before the learned Court below, subject to result of the case.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by



the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the informant to resume the conjugal life and if she so wishes and files an application before the learned court below then learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this court.

(Dinesh Kumar Singh, J)

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