

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9535 of 2018

Arising Out of PS.Case No. -444 Year- 2017 Thana -GOGRI District- KHAGARIA

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Pranesh Bharati @ Pranesh Kumar @ Sunil Kumar Sah, Son of Dinesh Prasad Sah, Resident of Goriya Bathan, P.S.- Gogari, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Payal Bharti, W/o Pranesh Bharti @ Sunil Kumar Shah, R/o Goriya Bathan, P.S. Gogari, District – Khagaria, at present D/o Sri Omprakash Shah, R/o Acharaj, P.S. Bousi, District – Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 20-04-2018

Heard learned counsel for the petitioner,

learned counsel for the informant-opposite party no. 2 and

learned APP for the State.

Though the matter has been listed under the heading ‘For Order (on office notes)’ awaiting the service report of notices issued to opposite party no. 2 but since the opposite party no. 2 has entered appearance through her counsel Mr. Anujh Kumar, AOR No. 01550.

The petitioner, being the husband of the informant-opposite party no. 2, is apprehending his arrest in a case registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Sections 3/4 of the Dowry



Prohibition Act.

The prosecution case got initiated with the written report of Payal Bharti dated 18.10.2017 at 2.15 P.M. submitted to the Station House Officer, Gogari P.S., District – Khagaria, to the effect that the marriage between the informant-opposite party no. 2 and petitioner was performed in 2005. Thereafter, the petitioner used to torture and assaulted the informant along with her maternal brother Munna Kumar Sah. Earlier also a case was lodged in the district of Banka with similar accusation. It is further alleged that on 17.10.2017 the accused persons tried to throttle the informant, but somehow the informant escaped and hid in a school.

The petitioner and informant-opposite party no. 2 are present in the Court.

It is submitted by learned counsel for the petitioner that admittedly no injury was caused to the informant and now the issue has been reconciled. Both are residing together and the matrimonial harmony has been restored between them.

Learned counsel for the informant-opposite party no. 2 submits that the informant admits that now she is residing with her husband and matrimonial harmony has been



restored, hence, she is not opposing the anticipatory bail of the petitioner.

Considering the present stand of the parties, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogari P.S. Case No. 444 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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