

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38084 of 2018

Arising Out of PS. Case No.-130 Year-2017 Thana- SAHARGHAT District- Madhubani

Shivam Raushan, Son of Sri Ram Dayal Mahto, Resident of Village-
Pihawara, P.S. - Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rekha Devi, Wife of Shivam Raushan, resident of village – Pihawara, P.S.
- Saharghat, District – Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Jha, Adv.

For the Opposite Party/s : Smt. Madhuri Lata, APP-103

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant O.P. No. 2 and learned APP for the
State.

The petitioner and the informant are present in Court.

The petitioner, being the husband of the informant is
apprehending arrest in a case registered for offences punishable
under Sections 341, 323, 494, 498(A), 504 and 506 of the IPC
and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case, as per the written report dated
20.12.2017 of Rekha Devi, O.P. No. 2, submitted to SHO,
Saharghat Police Station is to the effect that her marriage was
performed with the petitioner Shivam Raushan in the year 2010.
Subsequently, they were blessed with two children, thereafter, the



petitioner performed marriage with another lady and he is keeping her in his house and both used to make torture and assault to her. Subsequently, the petitioner pressurized the informant to demand Rupees Ten Lakhs from her parents for starting a business, but on refusal to fulfill such demand, she was being assaulted and locked in a room. On 15.12.2017, the petitioner and his entire family assaulted the informant and snatched her jewellery and other articles.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. The accusation of torture and assault is not corroborated by the medical opinion. However, the petitioner is ready to keep the informant as wife and two children with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That it is submitted here that the petitioner is ready to keep the informant as wife with full of dignity and honour, but it is the informant who did not want to live with the petitioner.”

It is further submitted that the petitioner has not performed second marriage and no other lady is residing with him in his house. However, no statement to that effect has been made in the petition in spite of the fact that there is a specific



accusation to that effect in the FIR.

Learned counsel for the informant submits that the informant accepts the offer of the petitioner, but she is apprehensive of the past conduct of the petitioner since he used to assault her with another lady and the presence of another lady in the matrimonial house has virtually made her life hell, though she wants to take a chance for resumption of conjugal life. Both sides agree to appear before the learned Court below on 31st July, 2018, when the petitioner will take the informant and her children to matrimonial house to keep them with full dignity and honour.

Keeping in view the present stand of the parties, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Benipatti, in connection with Saharghat P.S. Case No. 130 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

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. But, the provisional bail of the petitioner will not be confirmed if the matrimonial harmony is not restored due to the laches on the part of the petitioner or if during mediation a substantial proof comes that the petitioner keeps some other lady in his house or the petitioner continues to inflict torture by way of assault upon O.P. No. 2 and the same is substantiated by medical opinion.

(Dinesh Kumar Singh, J)

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