

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28386 of 2019

Arising Out of PS. Case No.-134 Year-2018 Thana- BELA District- Sitamarhi

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1. SHAIENDRA RAM @ SHAIENDRA KUMAR, Son of Mishri Lal Ram, Resident of Village - Banjrahi, P.S.- Bela, District - Sitamarhi.
 2. Rajia Devi, Wife of Mishri Lal Ram, Resident of Village - Banjrahi, P.S.- Bela, District - Sitamarhi.
 3. Renu Kumari, Daughter of Mishri Lal Ram, Resident of Village - Banjrahi, P.S.- Bela, District - Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nutan Devi, Wife of Shailendra Ram, Resident of Village - Banjrahi, P.S.- Bela, District - Sitamarhi, at present Resident of Village - Manpaur, P.S.- Bela, District - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 16-11-2019 Heard learned counsels for the petitioners, informant and the State.

The petitioners, being the husband, mother and sister of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 498A, 304A, 506 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.



Initially, the prosecution case got initiated with filing of Complaint Case No. 869 C of 2018, which came to be registered as police case, being Bela P.S Case No.134 of 2018, after its being transferred under Section 156(3) of the Code of Criminal Procedure to the police for investigation.

The prosecution case as per the complaint petition is that the complainant was married with petitioner no.1, Shailendra Ram, on 20.05.2015, and subsequently, they were blessed with a female child. But subsequent to the marriage, further dowry demand of one motorcycle was made and due to non-fulfillment of the same, the torture was inflicted upon the complainant.

It is submitted by learned counsel for the petitioners that petitioner no.1 admits his marriage with the complainant and he is ready to keep her 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 it is important to mention here that the petitioners are ready to keep the informant with her daughter with him ...”

It is further submitted that the matter has been compromised between the parties and a joint petition to that



effect has been filed before the learned Court below. A statement to that effect has been made in paragraph no.13 of the petition.

Learned counsel for the complainant submits that the complainant accepts the offer of petitioner no.1 and in that background, he is not opposing the prayer for bail of the petitioners.

Petitioner no.1 and the complainant agree to appear before the learned court below on 20.11.2019 when petitioner no.1 will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioners be released on provisional anticipatory bail for six months 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) each with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Bela P.S. Case No. 134 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional anticipatory bail of the petitioners will be confirmed by learned court below in three eventualities



(i) if the matrimonial harmony is substantially restored; or (ii) if the complainant fails to appear before the learned court below; or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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