

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42457 of 2019**

Arising Out of PS. Case No.-104 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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DHARMENDRA SHARMA @ DHARMENDRA KUMAR SHARMA S/o
Sri Kishun Dayal Sharma @ Krishna Dayal Sharma R/o village- Moriyawan,
P.O.- Hajrat Sai, P.S.- Dhanarua, District- Patna. At present Mohalla-
Alamganj, Balibagan, P.S. and District- Burdwan (West Bengal)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Rubi Devi W/o Darmendra Sharma @ Dharmendra Kumar Sharma, D/o Sri
Binod Sharma R/o village- Habiblipur, P.O.- Modanganj, P.S.- Ghosi,
District- Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh
For the Opposite Party/s : Mr.Pancha Nand Pandit

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

5 12-12-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Complaint Case No.104 of 2018 dated 28.2.2018 , registered for
offences punishable under Section 498(A) of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act..

As per FIR, there is allegation against the petitioner , who
happens to be husband of the complainant of demand of Rs.02
lac and for that subjected her to cruelty.

Submission of the learned counsel for the petitioner is
that he is residing at Bengal and the allegation is false and
concocted and he is still ready to keep her with dignity and care.



On the other hand the learned counsel for the O.P.no.2 has submitted that he has illicit relationship with his *Bhabhi* but in spite of that she is still ready to reside with the petitioner if she is allowed to live with dignity and care.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender on 7.1.2020 before the learned court below and on that day O.P.no.2 shall also remain present in the court below and on appearance of both the parties and on filing of the affidavit by the petitioner that he will take her from the court below itself and will keep her with dignity and care, the petitioner shall be released on provisional bail for a period of six months and during that period, both the parties have to appear before the learned court below in the second week of each month so that the learned court below may watch the conduct and matrimonial relationship between the parties and once being satisfied with the conduct of both the parties and their matrimonial relationship especially the conduct of the petitioner, the bail bond of the petitioner shall be confirmed, otherwise the learned court below is free to pass any other order or orders as he deems fit and proper including cancelling the bail bond of the petitioner.



It is needless to say that if O.P.no.2 is not ready to reside with the petitioner, the provisional bail granted to the petitioner shall be confirmed.

(Vinod Kumar Sinha, J)

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