

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48008 of 2019

Arising Out of PS. Case No.-1040 Year-2018 Thana- COMPLAINT CASE District- Araria

Vijay Sharma @ Bambam Son of Gajendra Sharma Resident of Village -
Gopalpur, Ward No. 9, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kala Devi Wife of Vijay Sharma, D/O - Late Buchho Sutyar Resident of Village - Parmanandpur, Ward No.11, P.S.- Sri Nagar, District- Madhepura. At present Residing at Resident of Village - Gopalpur, Ward no. 9, P.S.- Raniganj, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant ,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Section 498A of the Indian Penal
Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was performed in 2005 but subsequent to the marriage there was
further dowry demand of Rs. One lakh and a motorcycle and for
non-fulfillment of further dowry demand, torture was inflicted



upon the complainant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner has kept the complainant with full dignity and honour.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months 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 Sub-divisional Judicial Magistrate, Araria in connection with Complaint Case No. 1040C of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

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 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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