

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40708 of 2018

Arising Out of PS. Case No.-101 Year-2017 Thana- DHANARUA District- Patna

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Shambhu Ram, Son of Bachan Ram, Resident of Village - Vadiyan, Police
Station - Dhanarua, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi, Wife of Shambhu Ram, Daughter of Bakhori Ram, Resident of
Village - Ichhosh, Police Station - Islampur, District - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner, being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 341 and 323/34 of the IPC and
Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the written report of Anita
Devi, dated 06.03.2017 submitted to the Station House Officer,
Dhanarua Police Station, is to the effect that the petitioner and
other in-law family members drove out the informant from her
matrimonial house for non-fulfillment of further dowry demand
of Rs. 2 lacs.

Learned counsel for the petitioner submits that the



petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 10, which reads as follows:-

“That the petitioner has no demand of dowry by the informant and her family members and petitioner is always ready to keep her with full dignity and honour.”

It appears that initially vide order dated 12.07.2018, notices were issued to Opposite Party No.2/informant. Thereafter, vide order dated 05.09.2018, fresh notices were issued to her. Office note dated 05.10.2018 reflects that notices were validly served upon Opposite Party No.2, but she chose not to appear.

Learned APP submits that from the accusation, it appears that the informant was tortured for non-fulfillment of the dowry demand.

Considering the fact that even assuming the accusation to be true, the offence under Section 3 of the D.P. Act is not made out, rather offence under Section 4 of the D.P. Act is made out, the informant chose not to appear and the present stand of the petitioner to keep the informant as wife with full dignity and honour, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned SDJM, Masaurhi in connection with Dhanarua P.S. Case No. 101 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

If the informant files any application to resume the conjugal life before the learned Court below then the learned Court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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