

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74364 of 2018

Arising Out of PS. Case No.-165 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Sunil Sharma, Son of Baleshwar Sharma, Resident of Village- Hariyal Tol,
Police Station-Keoti, District-Darbhang.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ragini Devi, Wife of Sunil Sharma, Daughter of Amiri Sharma, Resident of Village- Kharima, Police Station-Keoti, District-Darbhang.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner, being the husband of the complainant is apprehending 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 Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the complainant Ragini Devi is to the effect that the marriage between the complainant and the petitioner was performed on 20.04.2012, but after the marriage, further dowry demand of Rs.50,000/- and a Pulsar Motorcycle was made and due to non-fulfillment of the same,



torture was inflicted upon her and she was also instigated to commit suicide. Subsequently, the couple was blessed with a female child. Subsequently, the complainant came to know about the illicit relationship of the petitioner with his Sister-in-Law (Gotini). It is further alleged that on 10.12.2015, the complainant along with her female child, was driven out from the matrimonial house after taking all her belongings.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of a female child. The petitioner is ready to keep the complainant as wife with full dignity and honour, a statement to that effect has been made in para 7 of the petition which reads as follows:-

“7. That the petitioner is ready to keep the complainant/opposite party no. 2 with full dignity and honour.”

It is further submitted by learned counsel for the petitioner that prior to the registration of the present case, the petitioner filed Matrimonial Suit No. 3 of 2017 with a prayer for restitution of conjugal life.

Considering the present stand of the petitioner, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned **SDJM, Darbhanga** in connection with **Complaint Case No. 165 of 2017/T.R. No. 3519 of 2018** subject to the conditions as laid down under Section 438(2) 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 keep her as wife with full dignity and honour.

The provisional bail of the petitioner 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)

Deepak/Rahul/-

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