

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18534 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- MAHILA P.S. District- Saharsa

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Ritan Sharma @ Ritan Kumar Son of Late Parsadi Sharma Resident of
Village - Amarpur, P.s.- Sonbersa Katchehri, Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Madhu Kumari W/o Ritan Kumar , D/o Sanichar Das Resident of Village -
Gandhipath Nandan Singh Tola, Ward no.21, P.S- Saharsa, Distt.- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Saharsa Mahila P.S. Case No. 75 of 2021 lodged under Sections
341, 323, 498(A), 379, 504, 506/34 of the Indian Penal Code
read with Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that wife has filed this case
against her husband under Section 498(A) read with other
sections.

Learned counsel for the petitioner submits before this

Court that the informant is his second wife, from his first wife he has 2 children, after the death of his first wife this marriage has taken place from the informant and he has 1 child from this marriage also. The dispute arose between the two for taking care of all the 3 child with equality. Learned counsel for the petitioner submits that due to this reason this dispute has arisen which resulted in the present case. He further submits that informant is not living presently at the house of petitioner rather she is living at her *Naihar*. Learned counsel for the petitioner submits that petitioner is ready to keep his wife with dignity and respect, but need only assurance from his wife that she shall take care of all the 3 children of petitioner equally. He further submits that petitioner is in custody since 20.12.2021, chargesheet has already been filed in this case and he has clean antecedent.

Learned counsel for the informant opposes the prayer for bail and submits that she need protection from her husband. Learned counsel for the informant also assured to this Court that when they started living together, she shall not pursue the present case and shall take every steps to close the case on the pretext that they are living happily together.

Learned counsel for the State opposes the prayer for

bail and submits that it is much better to live peacefully than to live with litigation.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Saharsa in connection with Saharsa Mahila P.S. Case No. 75 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

The trial Court is directed to call both husband and wife in the Court from where both shall file and affidavit and upon short mediation conducted by the Court, do all the needful to settle this case.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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