

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38886 of 2015

Arising Out of PS.Case No. -352 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Santosh Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Aditya Narayan Singh - 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2015

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 448, 341, 323, 504, 506, 498A, 494, 468 and 465/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfilment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner has not performed second marriage, statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

“That the petitioner has never married with said lady namely Nishu Kumari.”

It is further submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition. Relevant portion of the same reads as follows:-

“Thathe is ready to keep the informant/O.P. No.2 as a wife with full dignity and honour.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 352 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant 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 (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets

reluctant to reconcile the issue. The provisional of the petitioner will not be confirmed if substantive proof comes that the petitioner has performed second marriage or is living with other lady.

(Dinesh Kumar Singh, J)

Amrendra/-

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