

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9498 of 2015

Arising Out of PS.Case No. -271 Year- 2014 Thana -BANKA District- BANKA

Pappu Das

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra

For the Opposite Party/s : Mr. Sanjay Kumar Pandey (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-09-2015 The matter has been listed under the heading “For Orders on Office Notes” since the notices issued to opposite party no.2 have been received by the brother of opposite party no.2. The service report of ordinary process of notice reflects that opposite party no.2 is residing at the house of her second husband, though, the registered cover of notice has not been received. In view of the above facts, the case is being heard on merits treating the notices issued to opposite party no.2 to be deemed to be validly served.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment

of the dowry demand.

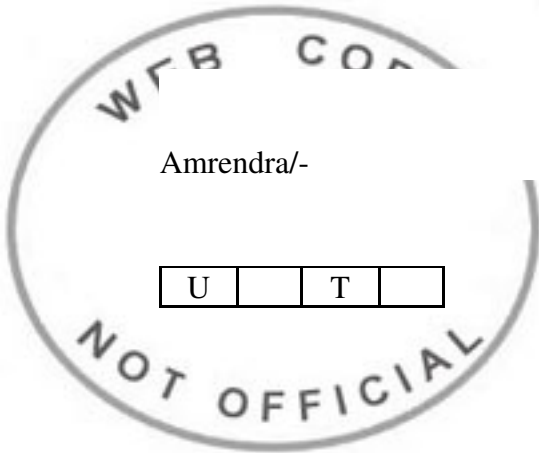
It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 6 of the petition which reads as follows:-

“That it is further stated that the petitioner is always ready to keep the informant with full dignity.”

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Banka (Barahat) P.S. Case No. 271 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The grant of bail to the petitioner will not preclude the informant to resume the conjugal life if she has not performed second marriage and if she files such an application 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)