

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10462 of 2015

Arising Out of PS.Case No. -55 Year- 2014 Thana -MAHILA P.S. District- BHAGALPUR

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1. Amresh Kumar S/o- Late Gorelal Mandal, R/o Village- Khankitta, P.S.- Sabour, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Anshu Shikha

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh
For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 29-09-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered under Sections 498A/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

The petitioner and the informant are present in court.

It is submitted that the petitioner admits his marriage with the informant and birth of a male child. The petitioner has filed Matrimonial Suit No.281 of 2014 for restitution of conjugal rights and is ready to keep the informant as wife with full dignity

and honour. Statement to the aforesaid effect has been made in paragraph no. 3 of the supplementary affidavit which reads as follows:

“That, in this regard, it is most humbly stated here that the petitioner is, and has always been, ready to keep his wife with all dignity, integrity and honour.”

Learned counsel for the informant submits that the informant is ready to accept the offer. Both petitioner and the informant agree to appear before the learned court below on 8.10.2015 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Mahila P.S. Case No. 55 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the

matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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