

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10898 of 2015

Arising Out of PS.Case No. -470 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

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1. Puspankar Kumar Das son of Bhola Das
 2. Subhash Das @ Subhash Kumar Das, son of Bhola Das
 3. Savita Devi Wife of Subhash Das
 4. Bhola Das Son of Late Kripal Das
 5. Manorma Devi Wife of Bhola Das All of Village Madhopur Karhar, Bansapty, P.S.- Kahalgaon, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Sucheta Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-04-2015 Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being the husband of the informant and petitioner nos. 2 to 5 being brother, brother's wife and parents of petitioner no. 1 are apprehending arrest in a case registered under Sections 498A and 323/34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

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

On instructions, it is submitted that the petitioner no. 1 is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in

paragraph no. 13 of the petition which reads as follows:

“That the petitioner no. 1 is ready to keep the informant and remaining petitioners have no objections and they are ready to help petitioner no. 1 for keeping the informant in their house.”

Considering the present stand of the petitioner no. 1, let the above named petitioner no. 1 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 JM Ist Class, Bhagalpur in connection with Kahalgaon P.S. Case No. 470 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and on her appearance the petitioner no. 1 will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no. 1 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.

Considering the stand of petitioner no. 1, let the above

named petitioner nos. 2 to 5 be released on anticipatory bail 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 JM Ist Class, Bhagalpur in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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