

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14753 of 2015

Arising Out of PS.Case No. -224 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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Devashish Kumar Singh

.... Petitioner/s

Versus

1. State of Bihar,
2. Pammi Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-04-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter of the informant is apprehending arrest in a case registered for the offences under Sections 323,504,120B and 498A 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 is ready to keep the O.P. No.2 as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 11 of the petition, the relevant portion of which reads as follows:

“..... and is still ready and willing to keep opposite party no.2 in Matrimonial house with full honor and dignity.”

It is further submitted that the petitioner has filed

Matrimonial Suit for restitution of conjugal rights.

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Bhojpur at Ara in connection with Mahila (Bhojpur) P.S. Case No. 224 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to O.P. No. 2 on her appearance the petitioner will take O.P. No. 2 to keep her as wife with full dignity and honour.

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 O.P. No. 2 fails to appear before the learned court below or (iii) if the O.P. No. 2 deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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