

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18304 of 2015

Arising Out of PS.Case No. -16 Year- 2014 Thana -MAHILA P.S. District- MADHEPURA

Pankaj Kumar Yadav

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-05-2015

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 498A, 494 and 323/34 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 the petitioner has not performed second marriage. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That it is humbly stated and submitted that allegation of petitioner having married again with Nilu Kumar is completely false and it is categorically denied.”

On instruction, learned counsel for the petitioner

submits 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 11 of the petition which reads as follows:-

“That the petitioner is ready and willing to keep the informant i.e. his wife with full dignity, respect and honour.”

It is submitted by learned counsel for the informant that the informant is ready to accept the offer of the petitioner but in the earlier case filed with similar accusation, the petitioner entered into compromise and subsequently the informant was driven out from matrimonial house and that case is still pending.

Both sides agree to appear before the learned court below on 26th of May, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Madhepura in connection with Madhepura Mahila P.S. Case No. 16 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 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 bail of the petitioner will not be confirmed if substantial proof comes on the record that the petitioner has performed second marriage and in that case the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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