

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26322 of 2015

Arising Out of PS.Case No. -130 Year- 2014 Thana -ATHMALGOLA District- PATNA

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Chandan Chauhan son of Chhote Lal Chauhan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2015

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 494/498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

Marriage between the petitioner and informant having no issue is an admitted fact.

It is submitted by learned counsel for the petitioner that petitioner has not performed second marriage, a statement to that effect has been made in paragraph 10 of the petition which reads as:-

"10. That the allegation against petitioner has

performed second marriage with other girl is completely false. Petitioner has not performed other marriage."

On instruction, learned counsel for the petitioner further 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:-

"11. That the petitioner is ready to keep the informant with full dignity and respect."

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Barh, Patna in connection with Athmalgola P.S. Case No.130 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 for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

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.

Ashwini/-

(Dinesh Kumar Singh, J)

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