

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28322 of 2015

Arising Out of PS.Case No. -343 Year- 2014 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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Sk. Buniyad son of Sk. Muslim

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chand Tara Khatoon wife of Sk. Buniyad, daughter of Sk. Kari resident
of village - Garhwa Bazar, Police Station - Majhaulia, District - West
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Madhuri Lata(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2015 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 341, 504, 323, 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.

On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the informant as wife with full dignity and honour. Though statement to that effect has not been made in the petition.

Moreover, the petitioner has filed Matrimonial Case No.

339M of 2013 for restitution of conjugal rights but in the said case the mediation failed.

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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhaulia P.S. Case No.343 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.

(Dinesh Kumar Singh, J)

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