

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32772 of 2015

Arising Out of PS.Case No. -103 Year- 2014 Thana -AWTARNAGAR District- SARAN

Binod Rai S/o Late Bhageshwar Rai

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chhotelal Rai S/o Late Tapi Rai
3. Durgwati Devi W/o Binod Rai, D/o Chhotelal Rai

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the opposite party no.3 is apprehending arrest in a case registered for the offences punishable under Sections 323, 379 and 498A 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 opposite party no.3 as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"8. That the petitioner is always ready to keep to the complainant with honour and dignity..."

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 Judicial Magistrate, 1st Class, Saran at Chapra in connection with Awtar Nagar P.S. Case No.103 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 opposite party no.3 for her appearance. On her appearance, the petitioner will take the opposite party no.3 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 opposite party no.3 fails to appear before the learned court below or (iii) if the opposite party no.3 gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Ashwini/-

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