

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32496 of 2015

Arising Out of PS.Case No. -78 Year- 2014 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Raju Choudhary Son of Setha Choudhary, resident of village - Dumra,
P.O. - Srikhanda, P.S. - Nokha, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Narsing Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered under Sections 494,498A and 323 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and performance of second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and has not performed second marriage. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:

“That the petitioner was never remarried nor the informant brought on record any material to prove the same and

only has made this allegation to rope the petitioner. The petitioner has not made any demand.”

On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

“That, the petitioner is still ready to live with the informant but she is adamant not to live with him and harass him with the criminal case.”

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 Rohtas, Sasaram in connection with Nokha P.S. Case No. 78 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 and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue. But if substantial proof comes that the petitioner has performed second marriage in that event the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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