

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36820 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -TARARI District- BHOJPUR

=====

Raju Prasad Gupta @ Raju Prasad, son of Dinanath Saha

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kamala Kant Upadhyay, Advocate

For the Opposite Party/s : Mr. Amit Kr.Rakesh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341/323/379/498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant in 2006 and birth of a child, out of the wedlock, in 2007. It is further submitted that the couple were residing at Delhi and it was the informant, who deserted the petitioner. Thereafter, the petitioner made all efforts to bring back to the informant to her matrimonial house but she refused to come. Although, the petitioner filed

Matrimonial Case No. 325 of 2015 on 19.09.2014 and, thereafter, the present case has been filed on 09.04.2015 but the petitioner is still ready to keep the informant as wife with full dignity and honour at his place. A statement to that effect has been made in para 7 of the petition which reads as follows:-

"7. That the petitioner has always been ready to keep the informant with him honour...."

On instruction, learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

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, Bhojpur, Ara in connection with Tarari P.S. Case No.25 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides undertake to appear before the learned court below on 1st October 2015 when 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)

Ashwini/-

U		T	
---	--	---	--