

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40937 of 2015

Arising Out of PS.Case No. -253 Year- 2013 Thana -FALKA District- KATIHAR

=====

Sunil Mahaldar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Indra Kr. Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 494/34 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he has not performed second marriage, statement to that effect has been made in para 7 of the petition which read as follows:-

“That it is categorically stated that the petitioner has not at all married with any other girl and the said allegation is totally without any basis.

It is further submitted 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 9 of the petition which reads as follows:-

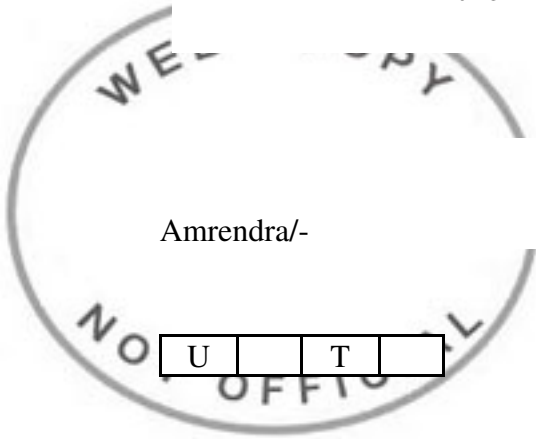
“That the petitioner is ready to keep the opposite party no.2 with full dignity and honour.”

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, Katihar in connection with Falka (Pothia) P.S. Case No. 253 of 2013, 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)

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