

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41505 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -MOHAMMADPUR District- GOPALGANJ

Manish Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Anil Prasad Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2015

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 498A, 323, 504 and 406 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioners that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour, though no specific statement has been made in the petition, and similar was the stand of the petitioner before learned court below when the informant refused to stay with the petitioner which gets reflected from the impugned order, which reads as follows:-

“On notice, the victim turned up before the court

and refused to go to her matrimonial home out of fear. This court persuaded both the parties to settle this matrimonial dispute and accordingly, both the parties became ready to settle the dispute, but today it is failed as the husband-petitioner did not appear in the court.”

It is further submitted that the petitioner is a labourer whereas the informant is a teacher in government school.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Mahmmadpur P.S. Case No. 68 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The grant of bail to the petitioner will not preclude the informant to resume the conjugal life and if she files any such application before the learned court below then the learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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