

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41772 of 2015

Arising Out of PS.Case No. -12 Year- 2015 Thana -SALAIYA District- AURANGABAD

Manoj Mistry

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the sister of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 504/34 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.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the sister of the informant and is ready to keep the sister of the informant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner never demanded any dowry from the informant or from his sister and did not torture to her rather he is always ready to keep his wife.”

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, Aurangabad in connection with Salaiya P.S. Case No. 12 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the sister of the informant for her appearance. On her appearance, the petitioner will take the sister of 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 sister of the informant fails to appear before the learned court below or (iii) if the sister of the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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