

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43929 of 2015

Arising Out of PS.Case No. -224 Year- 2011 Thana -PALIGANJ District- PATNA

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Dinbandhu Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devi Das Srivastava

For the Opposite Party/s : Mr. Pramod Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-09-2015

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 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 informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That after marriage the petitioner always kept the informant as his wife with full dignity and still he is ready to keep her as his wife with full dignity.”

It appears that the FIR was lodged in the year 2011 and the learned Sessions Judge rejected the prayer for anticipatory bail of the petitioner in the year 2012.

It is submitted by learned counsel for the petitioner that on conclusion of the investigation, the petitioner was not sent up for trial but differing with the final form, the cognizance was taken in the year 2013 when the petitioner came to know about issuance of summons in the year 2015.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 SDJM, Danapur in connection with Paliganj P.S. Case No. 224 of 2011, 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)

Amrendra/-

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