

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48035 of 2015

Arising Out of PS.Case No. -161 Year- 2015 Thana -MALSALAMI District- PATNA

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Sikandar Paswan Son of Ashok Paswan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-10-2015

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, 494/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and has not performed second marriage. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"10. That the petitioner, however, asserts that he did not marry with any lady except the O.P. No.2...."

It is further submitted that the petitioner is still 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:-

"9.the petitioner is still ready to keep the O.P. No.2 as his legally wedded wife with all respects, honour and dignity."

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 ACJM, Patna City, Patna in connection with Malsalami P.S. Case No.161 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 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.

Ashwini/-

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(Dinesh Kumar Singh, J)