

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43850 of 2014

Arising Out of PS.Case No. -25 Year- 2014 Thana -BAHERI District- DARBHANGA

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1. Rahul Lal Dev Son of Sudhir Lal Dev Resident of Village- Baligaon,
P.S.- Baheri, District- Darbhanga (Bihar)

.... Petitioner

Versus

1. The State of Bihar
2. Kanchan Devi Wife of Rahul Lal Devi, Daughter of Mahaseth Lal Devi
Resident of Village- Baligaon, P.S.- Baheri, District- Darbhanga (Bihar)

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vinay Kumar Mishra

For the Opposite Parties : Mr. Kr. Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-04-2015

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 341, 498A, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

The notices were issued to O.P. No. 2 the informant vide order dated 15.12.2014 on submission of learned counsel for the petitioner that petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 5 of the petition which reads as follows:-

“That the petitioner is husband
of the informant and ready to keep the informant

with full dignity.”

It appears that notices issued to O.P. No. 2 have been received by the father of O.P. No. 2. Let it be treated to be validly served. None is appearing on behalf of the O.P. No. 2.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for one year, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Baheri P.S. Case No. 25 of 2014.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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