

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54666 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -MAHILA P.S. District- SHEOHAR

1. Ranjan Sahni
2. Mandeshwar Sahni.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Smt. Asha Devi(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the informant and petitioner no.2 being the father of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 498A, 494 and 379/34 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 and performing second marriage by the husband of the complainant.

Learned counsel for the petitioner submits that the petitioner no.1 admits his marriage with the informant and he has not performed second marriage, statement to that effect has been made in para 10 of the petition, which reads as follows:-

“That in the FIR it has been alleged that the husband of the informant solemnized another

marriage but petitioner no.1 humbly submits that he has not solemnized another marriage and always ready to keep the informant with all respect.”

It is further submitted that the petitioner no.1 is ready to keep 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 no.1 who is the husband of the informant is always ready to keep her with all respect and dignity...”

Considering the present stand of the petitioner no.1, let the above named petitioner no.1 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 CJM, Sheohar in connection with Sheohar Mahila P.S. Case No. 21 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.

Considering the present stand of the petitioner no.1, let the above named petitioner no.2 be released on anticipatory bail 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 CJM, Sheohar in connection with Sheohar Mahila P.S. Case No. 21 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Amrendra/-

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(Dinesh Kumar Singh, J)