

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47802 of 2014

Arising Out of PS.Case No. -120 Year- 2014 Thana -BAJPATTI District- SITAMARHI

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1. Ram Dhyan Mukhiya Son of Hit Lal Mukhiya R/o village- Madhurapur,
P.S.- Bajpatti, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha

For the Opposite Party : Mr. Bisheshwar Ram (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-05-2015

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 379, 498A, 504 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 the informant/O.P. No. 2 vide order dated 10.02.2015. The service report at Flag-C dated 17.03.2015 suggests that notices were received by the informant/O.P. No. 2.

On 30.04.2015 none appeared on behalf of the informant/O.P. No. 2 when the matter was adjourned for 11.05.2015. Today also none is appearing on behalf of the informant/O.P. No. 2.

It is submitted by learned counsel for the

petitioner that informant/O.P. No. 2 is residing in her matrimonial house with the petitioner. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the informant is living with the petitioner with full respect and dignity in her matrimonial house.....”

Considering the aforesaid facts, 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 anticipatory bail 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, Sitamarhi in connection with Bajapatti P.S. Case No. 120 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail to the petitioner will not preclude the informant/O.P. No. 2 to resume the conjugal life. If the informant/O.P. No. 2 files such an application, learned Court below will issue notice to the petitioner when petitioner will be obliged to comply the undertaking made before this Court.

(Dinesh Kumar Singh, J)

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