

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37566 of 2015

Arising Out of PS.Case No. -58 Year- 2015 Thana -HARLAKHI District- MADHUBANI

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Vijay Kumar Kushwaha

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2015

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 323, 498A and 504/34 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.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. The petitioner filed Matrimonial Suit No. 07 of 2015 for restitution of conjugal life and is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

“That in this case petitioner is husband and he is ready to keep his wife with all respect.”

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 Judicial Magistrate, 1st Class, Madhubani in connection with Harlakhi P.S. Case No. 58 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.

Learned counsel for the petitioner is permitted to make correction in the petition.

(Dinesh Kumar Singh, J)

Amrendra/-

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