

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47085 of 2015

Arising Out of PS.Case No. -129 Year- 2015 Thana -NAUHATTA District- SAHARSA

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Mohan Mukhiya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Prabhakar

For the Opposite Party/s : Mr. Anita Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-10-2015

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 and 323 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.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and has not performed second marriage, statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

“That it is relevant to point out that petitioner has not solemnize the second marriage as alleged by the informant as such Section 494 of the Indian Penal Code is not made out against this petitioner.”

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 12 of the petition which reads as follows:-

“That .. as a matter of fact the petitioner is ready to keep the informant with full dignity and honour as his wife.”

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 CJM, Saharsa in connection with Nauhatta P.S. Case No. 129 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.

The provisional bail of the petitioner will not be confirmed if substantive proof comes that the petitioner has performed second marriage when the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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