

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50859 of 2015

Arising Out of PS.Case No. -52 Year- 2014 Thana -MAHILA P.S. District- MADHUBANI

1. Madan Sah son of Deo Sudan Sah, resident of village- Chaudrawana,
P.S.- Bisfi, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Ragani Kumari Daughter of Yogendra Sah, resident of village-
Sadulahpur Pokharoni, P.S.- Bisfi, District- Madhubani

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mr. Arbind Kumar Pandey(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-11-2015 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 307, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that on conclusion of investigation accusation has been found false and differing with the Final Form cognizance has been taken. The petitioner has filed Matrimonial Suit No. 178 of 2014 for restitution of

conjugal rights. The petitioner admits the marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 11 of the petition which reads as follows:-

“That petitioner is husband of the informant 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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhubani in connection with Complain Mahila P.S. Case No. 52 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant 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 within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial

harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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