

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42495 of 2014

Arising Out of PS.Case No. -138 Year- 2014 Thana -DINARA District- SASARAM (ROHTAS)

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1. Upendra Choudhary Son of Dhanjee Choudhary resident of village - Sundarvan, P.S. - Dinara, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rambha Devi Wife of Upendra Chaudhary, D/o Sukrit Chaudhary Resident of Village - Larui, P.S. - Surajpura, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. S.N.Shukla(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter of the informant is apprehending arrest in a case registered for the offences under Sections 498A/34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that matrimonial suit for divorce was filed at earlier point of time but the petitioner is ready to keep the daughter of the informant as wife with full dignity and

honour. Statement to the aforesaid effect has been made in paragraph no. 2 of the supplementary affidavit which reads as follows:

“That the petitioner is still ready to keep his wife with him provided she is ready to live with him in a good manner and with good behaviour and the petitioner also undertakes that he will keep his wife with full honour and dignity.”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Bikramganj, Rohtas in connection with Dinara P.S. Case No. 138 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and 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 the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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