

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26841 of 2015

Arising Out of PS.Case No. -93 Year- 2015 Thana -BIRAUL District- DARBHANGA

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1. Nand Kishore Choudhary, S/o Late Laxman Choudhary, resident of Village-Pokhram, P.S.-Biraul, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

2. Parwati Devi wife of Nand Kishore Choudhary and daughter of Indra Mohan Jha, presently residing at Village-Korthu, P.S.-Ghanshyampur, District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-07-2015

Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under sections 498(A), 341, 323, 504, 379, 494 and 34 of the Indian Penal Code and section 3/4 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 the petitioner has not performed second marriage. Statement to this effect has been made in paragraph no.11 of the petition. On instruction, learned counsel for the petitioner submits that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the said effect has been made in paragraph no.8 of the petition.

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 Subdivisional Judicial Magistrate, Biraul at Benipur, District-Darbhanga in connection with Biraul P.S. Case No. 93 of 2015 dated 27-3-2015/G.R.No. 277 of 2015, 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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