

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32215 of 2015

Arising Out of PS.Case No. -138 Year- 2015 Thana -BAHERA District- DARBHANGA

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1. Kanhaiya Mandal S/o Mahendra Mandal Resident of Village Dharaura,
P.S. Bahera, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Poonam Devi W/o Kanhaiya Mandal Resident of Village Dharaura, P.S.
Bahera, District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha
For the Opposite Party/s : Mr. Tapeswar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-08-2015 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 offence punishable under Sections 341,323 and 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

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

The petitioner admits his marriage with the informant having four children. On instructions, it is submitted that the petitioner is ready to keep the informant

as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 14 of the petition, relevant portion of which reads as follows:

“.....he is ready to live with his wife-informant with full love & 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 ACJM Benipur (Darbhanga) in connection with Bahera P.S. Case No. 138 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 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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