

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23705 of 2015

Arising Out of PS.Case No. -385 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

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Anand Kumar S/o Ravindra Bhagat Resident of Village Bhaluhi Khan, P.S. Sahebganj, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Devi W/o Anand Kumar, D/o Kameshwar Bhagat R/o Village Khaira, P.S. Saraiya (O.P. Jaitpur), District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Manoj Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 13-10-2015 Heard learned counsels 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 Section 341, 323, 494, 498A, 504 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

The petitioner and the informant are present. The marriage between the petitioner and the informant and birth of two female children are admitted facts.

It is submitted by learned counsel for the

petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That as a matter of fact the informant is a lady of hot temperament and she has left the house of the petitioner at her own accord. The petitioner is ready to keep the informant with full dignity and honour.”

It is further submitted that the petitioner has not performed second marriage, though, statement to that effect has not been made in the petition.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner and both are ready to go to the matrimonial house from the court itself.

Considering the present stand of the parties, 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, West Muzaffarpur in connection with Sahebganj P.S. Case No. 385 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted

on filing affidavit that the petitioner has not performed second marriage.

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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