

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45859 of 2015

Arising Out of PS.Case No. -187 Year- 2014 Thana -VAISHALI District- VAISHALI(HAJIPUR)

Raja Mahto

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Sahin Begam(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-09-2015

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 offences punishable under Sections 498A, 323, 379, 494, 120B and 109 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he has not performed second marriage, statement to that effect has been made in para 10 of the petition which reads as follows:-

“That it has been alleged that the petitioner has been married with accused no.6, which is completely false and humiliating, rather only on the basis of suspicion, created by enemies of the petitioner, the present false case has been

instituted.”

It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner always tried to keep his wife with full dignity and honour and is again ready to keep her with full dignity and honour.”

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 187 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 for her appearance. 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 learned court below in three eventualities (i) if the matrimonial

harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Amrendra/-

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