

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35715 of 2015

Arising Out of PS.Case No. -236 Year- 2014 Thana -MAHILA P.S. District- SIWAN

Chandan Kumar Burnwal

.... Petitioner/s

Versus

1. State of Bihar
2. Nidhi Devi, wife of Chandan Kumar Burnwal

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjya Kumar Chaubey, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-08-2015

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 offences punishable under Sections 323, 498A, 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. On instruction, he further submits that the petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

"11. That the petitioner is ready to live and keep the informant Nidhi Devi very well.

A statement has been made at paragraph 10 of the

petition that the petitioner filed Matrimonial Case No. 540 of 2014 for restitution of conjugal rights before the Family Court at Deoria (U.P.).

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 learned Sub-Divisional Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No.236 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)

Ashwini/-

U		T	
---	--	---	--