

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39679 of 2015

Arising Out of PS.Case No. -157 Year- 2014 Thana -BARURAJ District- MUZAFFARPUR

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Jiya Lal Mahto, Son of Jageshwar Mahto

.... Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi wife of Jiya lal Mahto, Daughter of Anant Mahto

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. S.N.Shukla (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-08-2015

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 341/323/324/307/498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand and making assault.

The marriage between the petitioner and the informant is admitted.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of two children, out of the wedlock. It is further submitted that there is no injury report on record to suggest the accusation of assault.

The petitioner is ready to keep the informant as wife and the children, born out of the wedlock, with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"9. That the petitioner is still ready to keep informant (opposite party no.2) as wife with full honour and dignity..."

Similar was the stand of the petitioner before the learned court below.

Learned counsel for the informant submits that the informant accepts the offer of the petitioner.

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 SDJM (West), Muzaffarpur in connection with Baruraj P.S. Case No.157 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides undertake to appear before the learned court below on 30th September 2015 when 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)

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