

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54182 of 2015

Arising Out of PS.Case No. -46 Year- 2015 Thana -MAHILA PS District- JEHANABAD

=====

Kaushlendra Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-11-2015

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, 341, 323, 494, 342 and 504/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfilment of the dowry demand and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. The petitioner has not performed second marriage, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That in the First Information Report a bald allegation against him has been levelled about solemnization of second marriage. The aforesaid ground is totally fictitious. This allegation has only been levelled with an ulterior motive that he may not get the bail. But, the fact of the matter is that the

petitioner has never solemnized marriage with another lady.”

It is further submitted 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 13 of the petition which reads as follows:-

“That the petitioner is always ready to keep his wife with all respect and regard.....”

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 CJM, Jehanabad in connection with Jehanabad Mahila P.S. Case No. 46 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 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/-

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

