

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56270 of 2015

Arising Out of PS.Case No. -147 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

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Mahesh Kumar Son of Shri Ram Bali Singh resident of Village & P.O.
Dularpur, P.S.- Agiwao (Gharahni), District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Varsha Mourya wife of Mahesh Kumar, Daughter of Rajesh Kumar Singh, resident of Village- Bahera Tola, P.O.+P.S. Jagdishpur, District Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manindra Kumar

For the Opposite Party/s : Mr. Abhay Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 14-12-2015 Counsel for the petitioner is permitted to make
necessary correction in the petition.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 341, 323, 498A/34 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.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is innocent and willing wants to keep her (O.P.No.2) with full dignity and honour.”

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner but slightly apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before the learned court below on 5th January, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

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, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No. 147 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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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