

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40199 of 2015

Arising Out of PS.Case No. -170 Year- 2015 Thana -RUNISAIDPUR District- SITAMARHI

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Ram Pravesh Sahani, son of Gagandeo Sahni

.... Petitioner/s

Versus

1. State of Bihar
2. Kiran Devi, daughter of Ram Chandra Shani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar(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, 394, 498A, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a male child, out of the wedlock. Moreover, the petitioner denies the factum of second marriage.

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 8 of the petition

which reads as follows:-

"8. That the petitioner never solemnized any marriage in Manipur and still he is ready to keep the informant with full dignity and respect."

Similar was the stand of the petitioner before the learned court below but in spite of notices being issued, the informant chosen not to appear before the court below.

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 Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P.S. Case No.170 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.

Ashwini/-

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(Dinesh Kumar Singh, J)