

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49843 of 2015

Arising Out of PS.Case No. -149 Year- 2015 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Satyendra Manjhi son of Prabhu Manjhi
 2. Prabhu Manjhi son of Late Gaya Manjhi, Both are of resident of village- Asandi Mahuawa, Police Station- Kuchaikote, District- Gopalganj.
 3. Shiv Bachan Manjhi, son of Jyotish Manjhi
 4. Babunti Devi, wife of Shiv Bachan Manjhi, Both are of resident of village- Machhagar, Police Station- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Umarawati Devi, wife of Satyendra Manjhi, Resident of village- Asandi Mahuawa, Police Station- Kuchaikote, District- Gopalganj. At present daughter of Harihar Manjhi, Resident of village- Bhopatpur, Police Station- Basantpur, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Sufiyan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-10-2015 Heard learned counsel for the petitioners and the State.

The petitioner no. 1 being the husband of the informant and petitioner nos. 2 to 4 being father, brother-in-law and sister of petitioner no. 1 are apprehending their arrest in a case registered for the offences punishable under Sections 498A, 323, 406, 494 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.

It is submitted by learned counsel for the



petitioners that the petitioner no. 1 admits the marriage with the informant and has not performed second marriage. Statement to that effect has been made in para- 10 of the petition. Petitioner No. 1 is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

“That the petitioner no. 1 is still ready to keep the victim as a wife with full honour and dignity”.

Considering the thrust of accusation against petitioner no. 1, let the above named petitioner no. 1 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 Chief Judicial Magistrate, Gopalganj in connection with Kuchaikote P.S. Case No. 149 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant on her appearance the petitioner no. 1 will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no. 1 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.

So far as petitioner nos. 2 to 4 are concerned, considering the present stand of petitioner no. 1, let the above named petitioner nos. 2 to 4 be released on bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kuchaikote P.S. Case No. 149 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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