

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47126 of 2015

Arising Out of PS.Case No. -356 Year- 2015 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Loveshwar Pandey

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2015

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, 379 and 504/34 of the Indian Penal Code.

The accusation is of torture. It is also alleged that the petitioner and his brother assaulted the informant.

It is submitted by learned counsel for the petitioner that there is nothing on record particularly the injury report to suggest that the informant has been assaulted. It is further submitted that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That despite of being lodged the present false and

frivolous case against him and his entire family members, the petitioner is still ready to keep the informant (O.P. No.2) as his legally wedded wife with all dignity respective and honour.”

Similar was the stand of the petitioner before the learned court below but the informant refused to accept 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 ACJM, Hilsa, Nalanda in connection with Hilsa P.S. Case No. 356 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.

Amrendra/-

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(Dinesh Kumar Singh, J)

