

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21480 of 2016

Arising Out of PS.Case No. -304 Year- 2012 Thana -CHANDAULI District- GAYA

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Babloo Chaudhary @ Ballu Chaudhary, Son of - Bhushi Chaudhary

.... Petitioner/s

Versus

1. The State of Bihar

2. Nilam Devi, Wife of Babloo Chaudhary @ Ballu Chaudhary, daughter of
Chando Chaudhary

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 16-05-2016

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/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant but the informant performed second marriage with the petitioner by

suppressing the fact of her earlier marriage with one Rajesh Kumar. The petitioner has filed Matrimonial Suit No.298/2012 with a prayer for divorce but he is ready to withdraw the same. However, 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 12 of the petition which reads as follows:-

"That it is stated that although the petitioner is second husband of the informant but even then he was/is ready to keep his wife (informant) with full dignity and honour."

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months 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, Gaya, in connection with Chandauti P.S. Case No. 304/2012, 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)

Ashwini/-

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