

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1546 of 2016

Arising Out of PS.Case No. -309 Year- 2015 Thana -PATLIPUTRA District- PATNA

Amrit Sinha

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar

For the Opposite Party/s : Mr. Anil Kr.Singh-I(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2016

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 Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. Though, the impugned order reflects that the petitioner refused to accept the offer of the informant to reconcile the issue, relevant portion of the impugned order reads as follows:-

“However on call, both husband and wife appeared in court. When the court asked to take his wife to his, then the husband flatly refused to it and remained adamant or rigid not to take his wife and his child to his house,

although, the wife was ready to go with him.”

But it is submitted that now 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 5 of the petition which reads as follows:-

“That the petitioner is ready to keep the informant with dignity and honour at his house at Saharsa but the informant does not want to reside with them.”

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 JM, 1st Class, Patna in connection with Patliputra P.S. case No. 309 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.

(Dinesh Kumar Singh, J)

Amrendra/-

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