

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2065 of 2016**

Arising Out of PS.Case No. -153 Year- 2015 Thana -RAXAUL District-  
EASTCHAMPARAN(MOTIHARI)

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Santosh Kumar

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Tiwari

For the Opposite Party/s : Mr. Smt. Anita Kumari (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2 14-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter 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 daughter of the informant. The petitioner filed Matrimonial Case Nos. 9 of 2015 and 92 of 2015 for restitution of conjugal right and is still ready to keep the daughter of 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:-

*“That the petitioner is ready to keep his wife (the*

*daughter of the daughter of the informant) with  
regardful conjugal life.”*

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 SDJM, Raxaul at Motihari, East Champaran in connection with Raxaul P.S. Case No. 153 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 daughter of the informant for her appearance. On her appearance, the petitioner will take the daughter of 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 daughter of the informant fails to appear before the learned court below or (iii) if the daughter of the informant gets reluctant to reconcile the issue.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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