

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8672 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -BRAHMPURA District- MUZAFFARPUR

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1. Navneet Kumar @ Navneet Kr. Son of Shri Ramesh Sharma Resident of Mohalla- Kendriya Vidyalaya Road, Aghoriya Bazar, ps. Kazi, Mohammadpur District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Priyanka Kumari Wife of Shri Navneet kumar Resident of road no. 3 in the house of Shri Prabhakar babu Juran Chapra, P.s Brahampura District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Mishra

For the Opposite Party/s : Mr. Binod Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 02-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of informant is apprehending arrest in a registered for the offences punishable under Section 341, 342, 307, 498A, 494/34 of the Indian Penal Code and under section 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands, attempted to cause burn injury and causing burnt injury to the informant and performing second marriage.

The petitioner admits marriage with the complainant. On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the

petition which reads as follows:

“8. That the petitioner still loves his wife i.e. Opposite Party No.2 and is ready to live with her and to take her to his residence with full dignity and honour.”

It is further submitted that the petitioner has not performed second marriage. statement to that effect has been made in paragraph 2 of the supplementary affidavit which reads as follows:

“2. That the allegation against the petitioner of solemnizing second marriage is not correct. The petitioner has not solemnized second marriage.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Muzaffarpur in connection with Brahmpura P.S. Case No. 160 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 and on her appearance the petitioner will take the complainant to

keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue

(Dinesh Kumar Singh, J)

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