

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5188 of 2016

Arising Out of PS.Case No. -64 Year- 2015 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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Jang Bahadur Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-02-2016

The matter has been listed under the heading ‘To Be Mentioned’ at the instance of the petitioner for modification of the order dated 01.02.2016. It appears that by inadvertence vide order dated 01.02.2016 the complete order could not be typed.

In the circumstances the order dated 01.02.2016 reads as follows:-

“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 offence punishable under Sections 323 and 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

On instructions, it is submitted that the petitioner

admits his marriage with the informant. The petitioner filed Matrimonial Suit No. 92 of 2015 for restitution of conjugal rights and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 7 of the petition the relevant portion of which reads as follows:-

“he is ready to keep the informant (wife) with full dignity and honour.”

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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Kaimur at Bhabua in connection with Mahila (Bhabua) P.S. Case No.64 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 complainant for her appearance. 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 learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.”

Let the initial order no.2 dated 01.02.2016 be off loaded from the website as well as from the internal database forthwith.

Henceforth, the office will not issue the certified copy of the initial order dated 01.02.2016.

Let the present order be communicated to the learned court below forthwith.

(Dinesh Kumar Singh, J)

Amrendra/-

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