

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5880 of 2016

Arising Out of PS.Case No. -62 Year- 2015 Thana -MAHILA P.S. District- NAWADA

Shankar Bihari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2016

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, 307, 379, 323, 341 and 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfilment of the dowry demand. It is also alleged that the petitioner assaulted the informant and wanted to throttle her.

It is submitted by learned counsel for the petitioner that there is no injury report on record to suggest that the informant was assaulted. Learned counsel for the petitioner further submits that the petitioner admits his marriage with the informant. The petitioner filed Matrimonial Suit No. 68 of 2015 for restitution of

conjugal right and is still 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:-

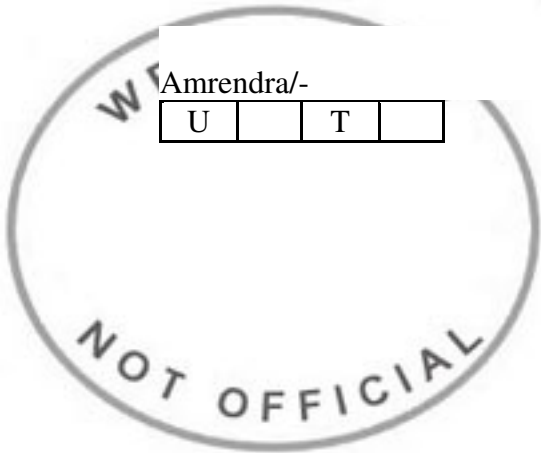
“That it is stated that the petitioner is husband of the informant who is ready to keep his wife with full dignity and honour.”

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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nawada in connection with Nawada Mahila P.S. Case No. 62 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.



Amrendra/-

U		T	
---	--	---	--

(Dinesh Kumar Singh, J)