

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11825 of 2016

Arising Out of PS.Case No. -18 Year- 2014 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Chandan Choudhary son of Late Kailash Choudhary, Resident of Mohalla- Harharganj, Ward No. 10, P.s.- Nasriganj, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Devi, Wife of Chandan Choudhary and Daughter of Mahesh Choudhary, Resident of village- Kashigawan, P.O.- Banjari, P.S.- Rohtas, District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Dr.Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-03-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 406, 323, 341, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is the
husband of the victim and he is ready to keep his

wife and son with full honour and dignity”

It is further submitted that petitioner has also filed Matrimonial Suit No. 110 of 2014 for the restitution of conjugal life.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri-on-Sone, Rohtas in connection with Mahila P.S.(Dehri) P.S. Case No. 18 of 2014.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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