

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12964 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -MAHILA PS District- JEHANABAD

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Rabindra Kumar Singh @ Ravindra Kumar Singh S/o Brij Bhushan Singh,
Resident of Mohalla – Unta, Jehanabad, P.S. – Jehanabad, District –
Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Beauty Devi W/o Ravindra Singh, Resident of Near Old Temple (West)
Gaya- Patna Road, P.S. + District – Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Uday Chandra Prasad(App)

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

04/ 04-10-2016

Heard learned counsels for the petitioner and the

State.

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

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

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the

informant but the petitioner has filed Matrimonial Suit No. 55 of 2015 with a prayer for divorce on 27.04.2015 and thereafter the present FIR was registered on 31.01.2016. It is further submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That the petitioner is still ready to keep his wife with full dignity and honour.”

It is further submitted that the petitioner undertakes to withdraw the Matrimonial Suit No. 55 of 2015 but statement to that effect has not been made in the petition.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before the learned court below on 8th of November, 2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today,

on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Jehanabad in connection with Jehanabad (Mahila) P.S. Case No. 05 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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