

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15135 of 2016

Arising Out of PS.Case No. -341 Year- 2015 Thana -BUDDHACOLONY District- PATNA

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1. Manish Kumar @ Guddu S/o Bhupendra Singh resident of Village Beyapur, P.S. Maner, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-08-2016

Though the matter was listed under the heading "For Office Note" awaiting the service report of the notices issued to O.P. No. 2 but since counsel for the O.P. No. 2 has entered appearance, hence the matter is being taken up on merits.

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 504, 506, 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 that petitioner admits his marriage with the informant on 14.12.2010 but the petitioner filed Matrimonial

Suit No. 1012 of 2015 on 14.09.2015 with a prayer for divorce and thereafter the present F.I.R was registered on 23.12.2015. However, the petitioner is still ready to keep the informant with dignity and honour. A statement to that effect has been made in para 12 of the petition which reads as follows:-

“That in spite of above mentioned facts the petitioner is still ready to keep the informant as wife with full honour and dignity, if she is ready to live at his native village i.e. Beyapur.”

It is further submitted that petitioner is ready to withdraw the matrimonial suit, though statement to that effect has not been made in the petition.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner.

Both sides agree to appear before learned Court below on 19th of September, 2016, when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, 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 one year on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of

learned Judicial Magistrate, 1st Class, Patna in connection with Budha Colony P.S. Case No. 341 of 2015.

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 one year (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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