

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16352 of 2016

Arising Out of PS.Case No. -263 Year- 2015 Thana -KHARAGPUR District- MUNGER

=====

Kunal Kumar Yadav @ Jitendra Kumar Yadav son of Late Baban Kumar Singh, Resident of village- Khagaur, P.S.- Lakhisarai, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. July Devi, wife of Kunal Kumar Yadav @ Jitendra Kumar Yadav and daughter of Uday Yadav, Resident of village- Kauriya, P.S.- Haveli Kharagpur, District- Munger

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. B.Ram(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 19-09-2016

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 341, 323, 504, 354, 447, 498A, 379/34 of the Indian Penal Code and 3/4 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 and has filed Matrimonial Suit No. 37 of 2014 with a prayer for divorce on 05.06.2014 and thereafter the present case has been filed on 02.12.2015, but he is ready to keep the informant as wife with full dignity and honour, though, 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.

Both sides agree to appear before the learned court below on 3rd of October, 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, Munger in connection with Kharagpur P.S. Case No. 263 of 2015, 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)

DKS/-

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