

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17868 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -AGAMKUAN District- PATNA

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Anand Kumar son of Sri Bhuwaneshwar Singh, resident of Ranipur Ke Chak, P.S.- Bypass, Distt.- Patna at present residing at Maurya Vihar, P.S.- Agamkuan, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandani Singh (Soni Kumari), wife of Anand Kumar, resident of Maurya Vihar Colony, Transport Nagar, P.S. Agamkuan, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 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 498A 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 in the year 2011 having no issue and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That earlier the petitioner was willing to keep the informant with full honour and dignity and for which he filed a petition under section 9 of the Hindu Marriage Act before the competent court of law, but recently the petitioner has seen the informant in the company of anti social element and as such the petitioner has decided to not keep the informant.”

It is further submitted that the petitioner has filed Matrimonial Suit No. 6081 of 2014 with a prayer for restitution of conjugal rights.

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 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 Additional Chief Judicial Magistrate, Patna in connection with Agamkuan P.S. Case No. 12 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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