

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17992 of 2016

Arising Out of PS.Case No. -176 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Sanjiv Kumar @ Sanjeev Kumar, son of Shri Bhuwaneshwar Prasad
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Umesha Nand Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A,506 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and the petitioner filed Matrimonial Suit No. 308/2014 for restitution of conjugal rights on 16.08.2014 and thereafter on 17.03.2015 the present FIR was registered. The petitioner is still ready to keep the informant as wife with full dignity and honour. Though statement to that effect has not

been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No.176/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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