

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21163 of 2016

Arising Out of PS.Case No. -130 Year- 2015 Thana -LADANIA District- MADHUBANI

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1. Kishori Sharan Choudhary son of Saty Narayan Choudhary, Resident of village- Pathulgara, P.S.- Ladaniyan, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Saroj Kumari Choudhary wife of Kishori Sharan Choudhary, D/o Upendra Choudhary, Resident of village- Mahtha, P.S. Ladaniya, District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Amit Kr. Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-05-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 379, 498A 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 on instruction that petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 16 of the petition which reads as follows:-

“That petitioner is husband of the Opp. No. 2 and he is ready to keep her with all respect.”

It is further submitted that petitioner has filed Matrimonial Suit No. 138 of 2015 for the restitution of the conjugal life.

Considering the present stand of the petitioner, 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 Additional Chief Judicial Magistrate, Madhubani in connection with Ldaniya P.S. Case No. 130 of 2015.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

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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