

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22160 of 2016

Arising Out of PS.Case No. -160 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Deepak Choudhari, son of Kishor Choudhari

.... Petitioner/s

Versus

1. State of Bihar
2. Priyanka Devi, wife of Deepak Chaudhari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Pandey, Advocate

For the Opposite Party/s : Mr. Ajay Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-05-2016 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, 341/323/325 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand. It is also alleged that the petitioner assaulted the informant with bamboo stick causing fracture injury.

The impugned order suggests that the I.O. of the case could not collect the injury report and in spite of notices being issued to the informant she did not appear before the Court.

It is submitted by learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with dignity and honour. A statement to that effect has been made in paragraph 9 of the petition, which reads as under :-

"That the petitioner is ready to keep her with him with full dignity and in this connection he is ready to furnish undertaking."

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months 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, Kaimur at Bhabua, in connection with Mohania P.S. Case No.160/2016, 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.

Ashwini/-

(Dinesh Kumar Singh, J)

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