

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21629 of 2016

Arising Out of PS.Case No. -136 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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1. Kanhaiya Patel son of Late Bikrama Patel
2. Prakash Patel @ Prakash Prasad son of Late Chhotelal Patel,
..... Petitioner/s

Versus

1. The State of Bihar
2. Rani Devi wife of Kanhaiya Patel, daughter of Jawahir Sah
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-05-2016 Heard learned counsels for the petitioner and the State.

Petitioner no.1 being husband of the informant and
petitioner no.2 being uncle of petitioner no.1 are apprehending
arrest in a case registered for the offences punishable under
Sections 341, 323, 498A/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 and making an attempt to kill the informant.

Learned counsel for the petitioners submits that the
petitioner no.1 admits his marriage with the informant and he is
ready to keep the informant as wife with full dignity and
honour. A statement to that effect has been made in para 9 of
the petition which reads as follows:-

"That the petitioner no.1 had/has no any grievance against his wife, and therefore he undertakes before the Hon'ble Court to keep her with all dignity and honour, respect and comfort, safety and security."

Considering the thrust of accusation against petitioner no.1, let petitioner no.2 be released on bail 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) each with two sureties of the like amount each to the satisfaction of learned CJM, West Champaran at Bettiah in connection with Bettiah town P.S. Case No.136/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner no.1, Kanhaiya Patel, is concerned, considering his present stand, let him 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) each with two sureties of the like amount each to the satisfaction of learned CJM, West Champaran at Bettiah in connection with Bettiah town P.S. Case No.136/2016, 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 no.1 will take the informant to keep her as wife with full dignity and honour.

The provisional bail of petitioner no.1 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)

Ashwini/-

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