

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23406 of 2016

Arising Out of PS.Case No. -64 Year- 2015 Thana -MAHILA PS District- KATIHAR

Arbind Singh @ Arbind Kr. Singh Son of Hira Lal Singh resident of village
- Faryani Police Station Maranga District - Purnia

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. T.P.Mandal (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 24-05-2016

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, 323, 379/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour but the issue could not be resolved due to the latches on the part of the informant. Though, the impugned order

suggests that the petitioner failed to appear for reconciliation but it was submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That it is humbly stated that the petitioner is still ready and willing to give full honour and respect to the informant and the court below has anomalously given finding against the petitioner whereas the informant never stated that she is ready to live with petitioner though she was present in the court below.”

Considering the present stand of the petitioner, 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 Sub-divisional Judicial Magistrate, Katihar in connection with Katihar Mahila P.S. Case No. 64 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the informant 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 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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