

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29971 of 2015

Arising Out of PS.Case No. -102 Year- 2013 Thana -MAHILA PS District- JAMUI

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1. Deepak Das Son of Shankar Das, Resident of Village - Sonai, P.S. -
Jamui, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Mamta Devi, Wife of Deepak Das, R/o Village - Thorparan, P.S.
Jamui, District - Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Sahay
For the Opposite Party/s : Mr. Md.Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-01-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 328, 494, 420, 307, 498A/34 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 and performing second marriage.

It is submitted by learned counsel for the petitioner 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 10 of the petition which reads as follows:-

“That the petitioner is ready
to keep his wife/informant with full honour and

dignity.

A supplementary affidavit has been filed to the effect that petitioner has not performed second marriage. A statement to that effect has been made in para 4 of the supplementary affidavit which reads as follows:-

“That, the petitioner was never married to any other person before marrying Mamta Devi on 16.12.2012 at Jamui.”

It is submitted by learned counsel for the informant that petitioner has performed second marriage at Bangalore. Hence, informant is apprehensive but she is ready to resume the conjugal life.

Both sides agree to appear before learned Court below on 6th of February, 2016, when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the aforesaid stand of the parties, 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 Chief Judicial Magistrate, Jamui in connection with Jamui Mahila P.S. Case No. 102 of 2013.

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.

The provisional bail of the petitioner will also not be confirmed, if substantial proof comes during investigation that petitioner has performed second marriage and in that eventuality the petitioner will surrender and pray for regular bail.

Shageer/-

(Dinesh Kumar Singh, J)

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