

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40540 of 2015

Arising Out of PS.Case No. -95 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

1. Mithilesh Kumar Singh @ Mithilesh Singh @ Guddu Singh Son of Baliram Singh, Resident of Villae - Haripur, P.S. - Koilwer, District - Bhojpur, at present residing at Mohalla - L.H. - 12, Qr. No. 50 P.s. - Marafari (Bokaro), District - Bokaro (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. U.S.P.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 09-02-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 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.

The petitioner is present, however the informant/O.P. No. 2 is not present.

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, though informant is suffering from some mental ailment for which she was provided medical assistance by the petitioner. A statement to that effect has been made in

para 12 of the petition which reads as follows:-

“That it is stated that petitioner despite mental illness of informant had always been ready to keep her with full dignity and still is willing to keep her with all love and affection but her family members are creating obstruction by imposing various terms and condition.”

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner provided petitioner keeps her with dignity and honour.

Both sides agree to appear before learned Court below on 29th 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, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 95 of 2015.

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.

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(Dinesh Kumar Singh, J)