

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42028 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -MAHILA PS District- KATIHAR

1. Prakash Kumar Paswan Son of late Ramchandra Paswan Resident of Mohalla- Gosh Para, Near K. B. Jha College, 1st Kothi, P.S. Town District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Smt. Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016 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 offence punishable under Sections 498A, 323 and 120B of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

On instructions, it is submitted that the petitioner admits his inter caste marriage with the informant. It is further submitted that the accusation of driving out the complainant from matrimonial house on 11.5.2016 has been levelled when the FIR was registered on 2.6.2016. The petitioner is still ready to keep the

informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 10 of the petition which reads as follows:

“That it is stated that the informant runs her own beauty Parlor and never give time in home rather mother of the petitioner cook the food and provide both petitioner as well as the informant but he in hope that matter would be settled but now realize that no hope remains, moreover he is ready to keep her with respect.”

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 arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Katihar in connection with Mahila P.S. Case No. 40 of 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 and 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) if the

matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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