

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45945 of 2015

Arising Out of PS.Case No. -88 Year- 2015 Thana -HALSI District- LAKHISARAI

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1. Ajit Kumar @ Ajit Chaurasia, son of Sri Raj Kumar Chaurasia, resident of Village- Hephani, P.S.- Ariyari District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Seema Devi, W/o Ajit Chaurasia, village- Bijulki, P.S.- Halsi, District- Lakhisarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 12-05-2016 Heard learned counsel 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, 341, 323, 313 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand and getting the pregnancy terminated.

It is submitted by the learned counsel for the petitioner that there is no proof with regard to termination of pregnancy. The petitioner admits the marriage with the informant and he is ready to keep the informant as wife

with full dignity and honour. Statement to that effect has been made in para- 12 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant/informant with all due dignity provided she agrees to live with the petitioner. ”

It is further submitted that the petitioner has filed Matrimonial Case No. 55 of 2015 for restitution of conjugal rights.

None appears on behalf of opposite party no. 2.

In view of the above stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 J.M., Ist Class, Lakhsisarai in connection with Halsi P.S. Case No. 88 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 within one year 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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