

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26372 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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Nitesh Kumar Tiwari @ Nitish Kumar Tiwari son of Ajay Tiwari, resident of Village- Mahuidih, Police Station- Ramnagar, District- West Champaran at Bettiah.

.... Petitioner

Versus

1. The State of Bihar

2. Anu Kumari @ Annu Kumari wife of Nitesh Kumar Tiwari @ Nitish Kumar Tiwari daughter of Nanhe Mishra, resident of Village- Mahuidih, Police Station- Ramnagar, District- West Champaran at Bettiah At present resident of Mohalla- Bela Gola Ward No. 20, Post Office- Ramnagar, Police Station- Ramnagar, District- West Champaran at Bettiah

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-06-2016 Heard learned counsels for the petitioner and the State.

Petitioner being the husband of the informant is apprehending arrest in a case registered under Sections 498A and 379/34 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and is ready to

keep the informant with full dignity and honour. A statement to that effect has been made in Para-17 of the petition, which reads as follows:

“That the petitioner was always ready and is also ready to take her wife with full honour and dignity and in this regard a Panchayti also took place on dated 23/01/2015 and in that Panchayti the father of the informant (Sasur of the petitioner) was also present and he has also signed over the paper of Panchayti. It is also stated that from the perusal of the panchnama it is clear that the O.P. No. 2 did not want to reside with the family members of the petitioner.”

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event or surrender before the learned Court below within a period of twelve 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 S. D. J. M, Bagaha,

West Champaran at Bettiah in connection with Ramnagar Police Station Case No. 13 of 2016, 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 complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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