

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31352 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -KAMTAUL District- DARBHANGA

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CHANDAN KUMAR THAKUR @ CHANDRAN KUMAR THAKUR,
resident of village- Araila, P.S.- Moro, District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-07-2016

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 Section 498A 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.

It is submitted by learned counsel for the petitioner that petitioner admits his 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 was/is always ready to keep his wife/informant at his residence with full dignity and decorum as legally wedded wife but the

petitioner is not/never ready to live as 'GHARJAMAI' at his father-in-law's residence. ”

Similar was the stand of the petitioner before the learned court below, but in spite of that informant did not appear before the learned court below for reconciliation.

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 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 Sri Shamim Raja, J.M. Ist Class, Darbhanga in connection with Kamtaul P.S. Case No. 28 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 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 six months 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)