

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35858 of 2016

Arising Out of PS.Case No. -329 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

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Gopal Shah son of late Jawahar Shah resident of village Vishunpura P.S.
Udwant Nagar Dist. Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate.

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-09-2016

None appears on behalf of the informant.

Heard learned counsel for the petitioner and the State.

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494 and 323 of the I.P.C and ¾ of the Dowry Prohibition Act.

Accusation is of torture for non-fulfillment of dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant in 1997 and birth of four children. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in Para 12 of the petition which reads as follows:-

“12. That, the petitioner is ready to keep the informant/complainant with full honour and dignity at

his house. The petitioner is always willing to restore his matrimonial life.”

It is further submitted that the petitioner has also filed Matrimonial Suit No. 297 of 2013 for restitution of conjugal rights and he has not performed second marriage. A statement to that effect has been made in Para 14 of the petition which reads as follows:-

“14. That it is humbly stated that Section 494 of the IPC is not made out against the petitioner as he has not remarried with any other woman and till date he is trying to restore his conjugal life with the complainant.”

Considering the aforesaid stand of the petitioner, 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 nine months** on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Ara in connection with Udwant Nagar P.S. Case No. 329 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C

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.

However, if the substantial proof comes that the petitioner has performed second marriage in that eventuality provisional bail will not be confirmed except if the informant and the petitioner decide to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Prakash/-

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