

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34557 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -MAHILA P.S. District- NAWADA

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1. Ganesh Chauhan, Son of Shiv Chauhan@Shibu Noniya, Resident of
Village Mehdiपुर Bihta, P.S Pakribarawan, District Nawada
..... Petitioner

Versus

1. The State of Bihar
2. Barsha Devi, Daughter of Arjum Chauhan, Resident of Domabar, P.S
Nardiganj, District Nawada
..... Opposite Parties

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Adv.
For the Opposite Parties : Mr. Atul Chandra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 16-08-2016 Heard the learned counsel for the petitioner and the
State.

This is a petition for grant of anticipatory bail. The petitioner, being the husband of the informant, apprehending his arrest in a case registered under Sections 498A and 504/34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

The learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition, which reads as follows :

“That the petitioner is husband of the informant and being husband he is ready to keep his wife (informant) with him and maintain her with full dignity as per his capacity subject to cooperation of his wife (informant).”

Considering the present stand of the petitioner, above

named, be released on **provisional anticipatory bail for one year** in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Nawada Mahila P.S. Case No. 33 of 2016 to the satisfaction of the Additional Chief Judicial Magistrate, III, Nawada, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

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 anticipatory 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 complainant fails to appear before the learned Court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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