

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28337 of 2016

Arising Out of PS.Case No. -21 Year- 2016 Thana -MAHILA P.S. District- BHAGALPUR

Manish Kumar @ Manish Kumar Kushawaha, son of Late Ghanshyam Mandal, resident of Mohalla-Chaudhary Tola Kahalgaon, P.S.-Kahalgaon, District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Arpita Kumari, wife of Manish Kumar @ Manish Kumar Kushawaha, daughter of Bhagwat Prasad Singh, resident of Village-Hario, P.S.-Bihpur, District-Bhagalpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar
For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-10-2016 The matter has been listed under the heading “For Orders(on office note) awaiting the service report of the notices issued to O.P. No. 2 but since petitioner and the O.P. No. 2 has appeared before this Court, hence the matter is being taken up on merits.

Heard learned counsels for the petitioner, informant and the State.

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant having no issue. The petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is still ready to keep and maintain the O.P. No. 2 as wife with full dignity and honour. But she is not ready to live with the petitioner, because the petitioner is mentally sick which is also evident from report of counseling mentioned in para 2 of the impugned order.”

It is further submitted that similar was the stand of the petitioner before learned Court below which gets reflected from the impugned order. The impugned order reflects that the matter was referred to the Mediation Centre for the reconciliation. The report of the Mediation Centre was that the petitioner was mentally sick, hence it was not proper to send the informant with the petitioner.

It is submitted by learned counsel for the petitioner that this observation of the Mediation Centre is contrary to the record. The petitioner is present in the Court and is absolutely normal.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the

petitioner for resumption of conjugal life.

Both sides agree to appear before learned Court below on 24th of October, 2016, when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the aforesaid stand of the parties, 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 six 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, Naugachiya, Bhagalpur in connection with Mahila P.S. Naugachiya Case No. 21 of 2016.

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 six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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