

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47973 of 2015

Arising Out of PS.Case No. -325 Year- 2015 Thana -BAHERA District- DARBHANGA

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Radheshyam Mishra Son of Mohan Mishra

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Cheema Devi @ Hema Devi, Wife of Radheshyam Mishra

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. S.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 15-03-2016

Heard learned counsels for the petitioner and the State.

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

Basic accusation is of torture for non-fulfillment of dowry demand.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 15 of the petition which reads as follows:-

"That the petitioner is ready to keep the informant as

a wife in any condition and for this he made several request to come her Sasural but all in vain."

The petitioner and the informant are present before this Court.

On instruction, learned counsel for the informant submits that the informant accepts the offer of the petitioner but she is little bit apprehensive of the past cruel conduct 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 of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Benipur, Darbhanga in connection with Bahera P.S. Case No.325/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Both sides shall appear before the learned court below on 7th April, 2016 when 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 by learned court below in three eventualities (i) if the matrimonial

harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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