

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34893 of 2016

Arising Out of PS.Case No. -250 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

Ved Prakash Pandey

.... Petitioner/s

Versus

1. State of Bihar,
2. Sarswati Devi alias Guriya Devi

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay
For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-08-2016 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 offence punishable under Sections 315,379 and 498A/34 of the Indian Penal Code.

The basic accusation is of torture and getting the pregnancy terminated.

On instructions, it is submitted that the petitioner admits his marriage with the informant. There is no documentary proof with regard to termination of pregnancy.

Learned counsel for the informant submits that the issue could not be resolved since the petitioner refused to keep the informant but now it is submitted that the petitioner

is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 11 of the petition which reads as follows:

“ That in spite of all adverse situation petitioner is ready to keep his wife.”

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 arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No. 250 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 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 informant fails to appear before the

learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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