

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34389 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -MAHILA PS District- BUXAR

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Pappu Chaudhary Son of Birendra Chaudhary @Majhil Chaudhary Resident
of Village- Barka Singhanpura, P.S. Simari, District Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Sri Gopesh Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-10-2016 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, 324, 504, 506, 406 and 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is always ready to keep his wife

with full respect and dignity.....”

It is further submitted that similar was the stand of the petitioner before the learned court below and on basis of same undertaking, the petitioner was granted provisional anticipatory bail by learned Sessions Judge vide order dated 21.06.2016 and consequently the petitioner furnished bail bonds, though, statement to that effect has not been made in the petition but it appears from the impugned order that on 21.06.2016 the counsel for the petitioner could not appear and on the petition of the informant that the petitioner misbehaved with her by forcing her to go matrimonial house, the provisional bail granted to the petitioner was cancelled.

Learned counsel for the informant submits that the informant is still ready to accept the offer of the petitioner but she is apprehensive due to past conduct of the petitioner.

Keeping in view that the petitioner earlier furnished bail bonds in view of the provisional bail granted by learned court below vide order dated 21.06.2016, this Court is not inclined to exercise discretionary power to grant anticipatory bail to the petitioner but in view of the present stand of the parties, it is a case for consideration of bail if the petitioner surrenders within a period

of six weeks when the learned court below will exercise discretionary power for few months and make effort to get the issue reconciled by sending the matter to mediation in connection with Buxar Mahila P.S. Case No. 31 of 2016 pending in the court of learned SDJM, Buxar.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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