

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29772 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

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Ajay Mahto s/o Radheshyam Mahto

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinki Devi, w/o- Ajay Mahto

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2016

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 498A/494 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and has not performed second marriage. A statement to that effect has been made in para 9 of the petition which reads as follows:-

"That the petitioner has not contracted second marriage, perusal of FIR would show that this fact is added subsequently."

It is further submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"That the petitioner is always ready to keep her with full honour and dignity."

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 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 SDJM (West), Muzaffarpur, in connection with Muzaffarpur Mahila P.S. Case No.32/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. 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 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.

The provisional bail of the petitioner will be confirmed by the learned court below on verification of the fact that the petitioner has not performed second marriage otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

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