

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35491 of 2016

Arising Out of PS.Case No. -147 Year- 2016 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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Santosh Chauhan @ Santosh Kumar, son of Shyam Chauhan, resident of
Village-Muther(Beldarichak) P.S.-Jehanabad, District-Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Rensa Chauhan, daughter of Rampatan Chauhan, resident of
Village-Kanhaiya Ganj, P.S.-Chandi, District-Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494, 341, 323, 379/34 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 and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and has not performed second marriage. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner has
not performed marriage with any other girl. It is
totally false and concocted story.”

It is further submitted that petitioner is 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 has never demanded any money as dowry and he is ready to keep his wife with full honour and dignity.”

It is also submitted that petitioner has also filed Matrimonial Suit No. 17 of 2016 for the restitution of conjugal life.

Considering the present stand of the petitioner, 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 one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa in connection with Chandi P.S. Case No. 147 of 2016.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

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

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(Dinesh Kumar Singh, J)